

REC'D - CIVIL RIGHTS
CY
JUN 19 1968

Docket No. RCRA-5-2000-009

Respondent.

09

The Complainant initiated this proceeding on July 7, 2000 by filing a Complaint and Notice of Opportunity for Hearing against Interplastic Corporation (Respondent) for violations of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6901 et seq. The complaint alleges in Counts 1 through 8 that the Respondent violated certain state regulations applicable to generators of hazardous waste codified at Minnesota Rules 7045.0001 et seq. EPA approved these regulations as part of the authorized state program for Minnesota. See 40 C.F.R. § 272.1200 et seq. The complaint alleges in Counts 9 through 12 that Respondent violated certain provisions of the federal regulations to control air emissions from tanks, containers and surface impoundments found at 40 C.F.R. Part 265, Subpart CC.

The alleged violations occurred at Respondent's facility located at 2015 NE Broadway Street, Minneapolis, Minnesota.

On or about August 8, 2000, Respondent filed an answer to the complaint and requested a hearing. The Presiding Officer issued an order setting prehearing procedures on September 19, 2000.

I. COMPLAINANT'S POTENTIAL WITNESSES

A. Fact Witnesses

1. Michael Mikulka, Environmental Engineer, Waste, Pesticides and Toxics Division, Region 5, EPA. Mr. Mikulka conducted an inspection at Respondent's facility on November 16, 1999. Mr. Mikulka will testify regarding: (1) why he conducted the inspection; (2) the activities he performed as part of the inspection; (3) his observations during the inspection; (4) statements made by the Respondent's employees during the inspection; (5) the inspection report he prepared documenting his findings; and (6) actions he took as a follow-up to the inspection.

Mr. Mikulka will also testify regarding the nature and basis of the violations alleged in the complaint. He will testify regarding the Notice of Violation (NOV) and request for information the Region issued to Respondent on January 28, 2000, and follow-up letter to the NOV the Region issued on May 5, 2000, and documents Respondent submitted in response to the information request and follow-up letter. Mr. Mikulka will also testify regarding how he calculated the proposed penalty and that the penalty is consistent with the factors specified in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and EPA's 1990 RCRA Civil Penalty Policy.

2. Greg Berger, Minnesota Pollution Control Agency (MPCA). Mr. Berger conducted an inspection at Respondent's facility on March 30, 2000. Mr. Berger will testify regarding: (1) why he conducted the inspection; (2) the activities he performed as part of the inspection; (3) his observations during the inspection; (4) statements made by the Respondent's

employees during the inspection; (5) the inspection report he prepared documenting his findings; and (6) actions he took as a follow-up to the inspection.

C. Reservation of Rights

Complainant reserves the right to not call any of the aforementioned witnesses at the hearing of this matter and to call additional witnesses not on this list. Complainant also reserves the right to expand or otherwise modify the scope, extent, and areas of testimony of any of these witnesses, where appropriate. Such changes may be occasioned by the discovery of new evidence or witnesses, the unavailability of one or more witnesses, prehearing stipulations of fact between the parties, or for any other legitimate reason.

Should Complainant wish to introduce at the hearing any witnesses not identified in this prehearing exchange, Complainant shall, by filing an amendment to this prehearing exchange, provide the Presiding Officer and Respondent a reasonable opportunity to review the new or revised witness list.

II. COMPLAINANT'S EXHIBITS

EPA incorporates by reference the complaint and Respondent's answer which are on file with the Presiding Officer, Regional Hearing Clerk and the parties. Complainant intends to introduce the following documents (attached) as exhibits at the hearing:

Complainant's

Exhibit No.

Description of Exhibit

1. December 13, 1999 Inspection Report prepared by Michael Mikulka, EPA
2. December 14, 1999, Fax Cover Sheet and schematic showing drum storage and hazardous waste storage locations from Sheri Peterson, Interplastic Corporation, to Mike Milkulka, EPA

3. June 9, 2000 Interplastic Corporation Site Visit Report prepared by Greg Berger, MPCA
4. August 12, 1980 letter from Marvin Weiss, Interplastic Corporation, to EPA, Region V, with attached Notification of Hazardous Waste Activity Form dated June 23, 1980
5. January 28, 2000, NOV and Request for Information from Lorna Jereza, EPA, to Gary Seversen, Interplastic Corporation
6. March 10, 2000 response to EPA's Request for Information from Robert C. Hoffman, Interplastic Corporation, to Lorna Jereza, EPA
7. May 5, 2000 follow-up to NOV and Request for Information from Lorna Jereza, EPA, to Robert C. Hoffman, Interplastic Corporation
8. May 24, 2000 response to EPA's May 5, 2000 letter from Robert C. Hoffman, Interplastic Corporation, to Michael Mikulka, EPA
9. February 14, 2000 letter from Lorna Jereza, EPA, to Ann Foss, MPCA
10. June 15, 2000 letter from Joseph M. Boyle, EPA, to James D. Wallenfelsz, Interplastic Corporation, re Notice of Intent to File Civil Administrative Complaint
11. Dun & Bradstreet Report for Interplastic Corporation, 1225 Willow Lake Blvd., St. Paul, Minnesota (summary analysis dated September 25, 2000)
12. Dun & Bradstreet Report for Interplastic Corporation 2015 NE Broadway, Minneapolis, Minnesota (summary analysis dated January 11, 2000)
13. RCRA Civil Penalty Policy (October 1990)
14. Penalty Analysis
15. November 10, 1998 letter and Treatment Plan for Curing of Waste Resin, from Sheri L. Peterson, Interplastic Corporation, to Dan R. Cord, MPCA
16. MPCA's Best Management Practices for Treating Waste Polyester-Resin and Gelcoat, Hazardous Waste Division Fact Sheet #4.50, September 1997
17. August 22, 2000 letter from Robert C. Hoffman, Interplastic Corporation, to Michael Mikulka, EPA re response to compliance order

18. November 24, 1999 letter re November 16, 1999 site visit and enclosures from Sheri L. Peterson, Interplastic Corporation, to Michael J. Mikulka, EPA
19. May 6, 1999 letter and enclosure re March 15 and 16, 1999 multimedia inspection from Rhonda Michelle Land, MPCA, to Robert Hoffman, Interplastic Corporation
20. August 12, 1999 letter and NOV from Gary L. Eddy, MPCA, to James Wallenfelsz, Interplastic Corporation
21. October 4, 1999 letter w/o exhibits from Robert C. Hoffman, Interplastic Corporation, to Gary L. Eddy, MPCA

B. Reservation of Rights

Complainant intends to introduce into evidence any additional financial information that Respondent provides prior to the hearing. In addition, Complainant reserves the right to not introduce any of the foregoing exhibits at the hearing and/or to introduce into evidence additional exhibits not listed above. The need to modify the foregoing exhibit list may be occasioned by the discovery of new evidence or witnesses, the unavailability of one or more witnesses, prehearing stipulations of fact between the parties, or for any other legitimate reason.

Should Complainant wish to introduce at the hearing any exhibits not set forth in this prehearing exchange, Complainant shall, by filing an amendment to this prehearing exchange, provide the Presiding Officer and each Respondent a reasonable opportunity to review the new or revised exhibits.

III. Time Necessary To Present Case

Counsel for the Complainant estimates that 12 hours or less will be required to present the case. Complainant anticipates that all or most issues of liability will be established through a motion for accelerated decision.

IV. Location of Hearing

Complainant requests the hearing to be held in Chicago, Illinois where the EPA Region 5 office is located.

Respectfully submitted,

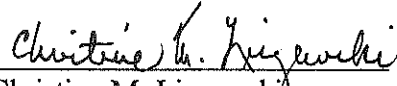
Christine M. Liszewski
Associate Regional Counsel
U.S. Environmental Protection Agency,
Region 5, (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 886-4670

Dated: _____

IV. Location of Hearing

Complainant requests the hearing to be held in Chicago, Illinois where the EPA Region 5 office is located.

Respectfully submitted,


Christine M. Liszewski
Associate Regional Counsel
U.S. Environmental Protection Agency,
Region 5, (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 886-4670

Dated: October 18, 2000

IN THE MATTER OF INTERPLASTIC CORPORATION, Respondent
Docket No. RCRA-5-2000-009

CERTIFICATE OF SERVICE

I certify that on 10-19-00, the foregoing Complainant's Prehearing Exchange was sent in the following manner to the addressees listed below:

Original File-Stamped
and One True Copy
Hand Delivered to:

Sonja R. Brooks
Regional Hearing Clerk
U.S. EPA, Region V (E-19J)
77 West Jackson Blvd.
Chicago, IL 60604-3590

Copy by Certified Mail to:

Attorney for Respondent:

Thaddeus R. Lightfoot, Esquire
G. Robert Johnson, Esquire
OPPENHEIMER WOLFF & DONNELLY
3400 Plaza VII Building
45 South Seventh Street
Minneapolis, MN 55402

Copy by Pouch Mail:

Honorable Carl C. Charneski
Administrative Law Judge
Office of the Administrative
Law Judges (1900L)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460



Richard Plettau, Secretary
Section 2
Multi-Media Branch II
Office of Regional Counsel
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604



INTERPLASTIC CORPORATION

A SUBSIDIARY OF PHILLIPS PETROLEUM COMPANY

COMMERCIAL RESINS DIVISION

MINNEAPOLIS, MINNESOTA 55413
2015 N.E. BROADWAY

November 13, 1980

Mr. Y. J. Kim
EPA Region V
RCRA Activities
P.O. Box 7861
Chicago, IL 60680

Sub.

*Deleted
TSD
3-13-81*

Dear Mr. Kim,

On our notification of Hazardous Waste Activity (form 8700-12) mailed on June 23, 1980, Interplastic Corporation, 2015 N.E. Broadway, Minneapolis, MN 55413 (EPA Number MND006151336) was planning to be TSD facility.

Because of new manufacturing techniques and equipment modifications; we no longer will need to be a TSD facility.

Mr. Gregg Weber of EPA, Region V told me not to send in form 1 because we are amending our application from a TSD facility to a Generator,

Please advise if additional information will be required.

Sincerely,

Marvin Weiss

Marvin Weiss
Plant Manager
Commerical Resins Division

MW/jr

NOV 13 1980

cc: Jim Wallenfelsz
P.L. Shipley

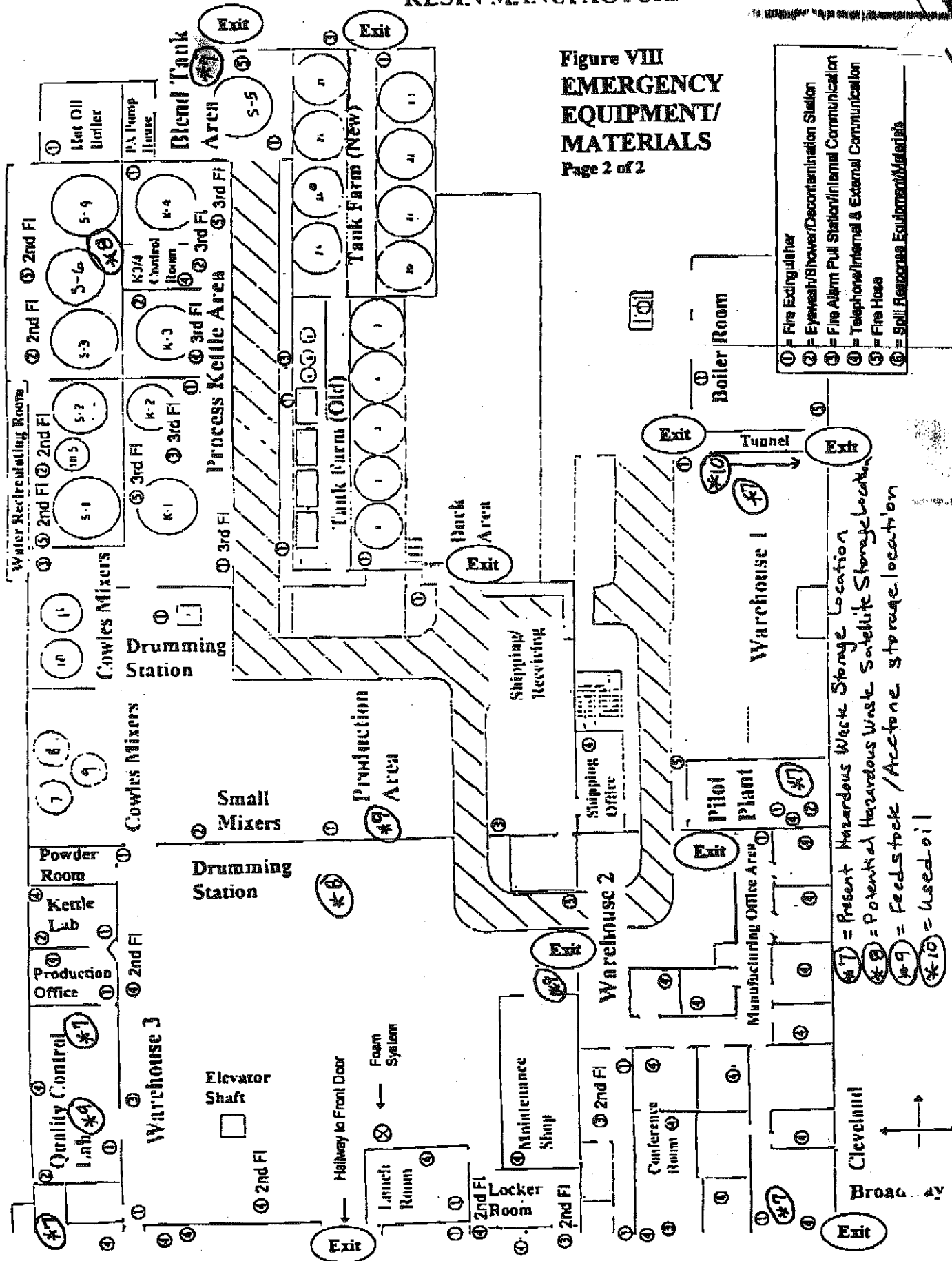
Interplastic Minneapolis
Corporation Plant

PROCESS FLOW AREA RESIN MANUFACTURING

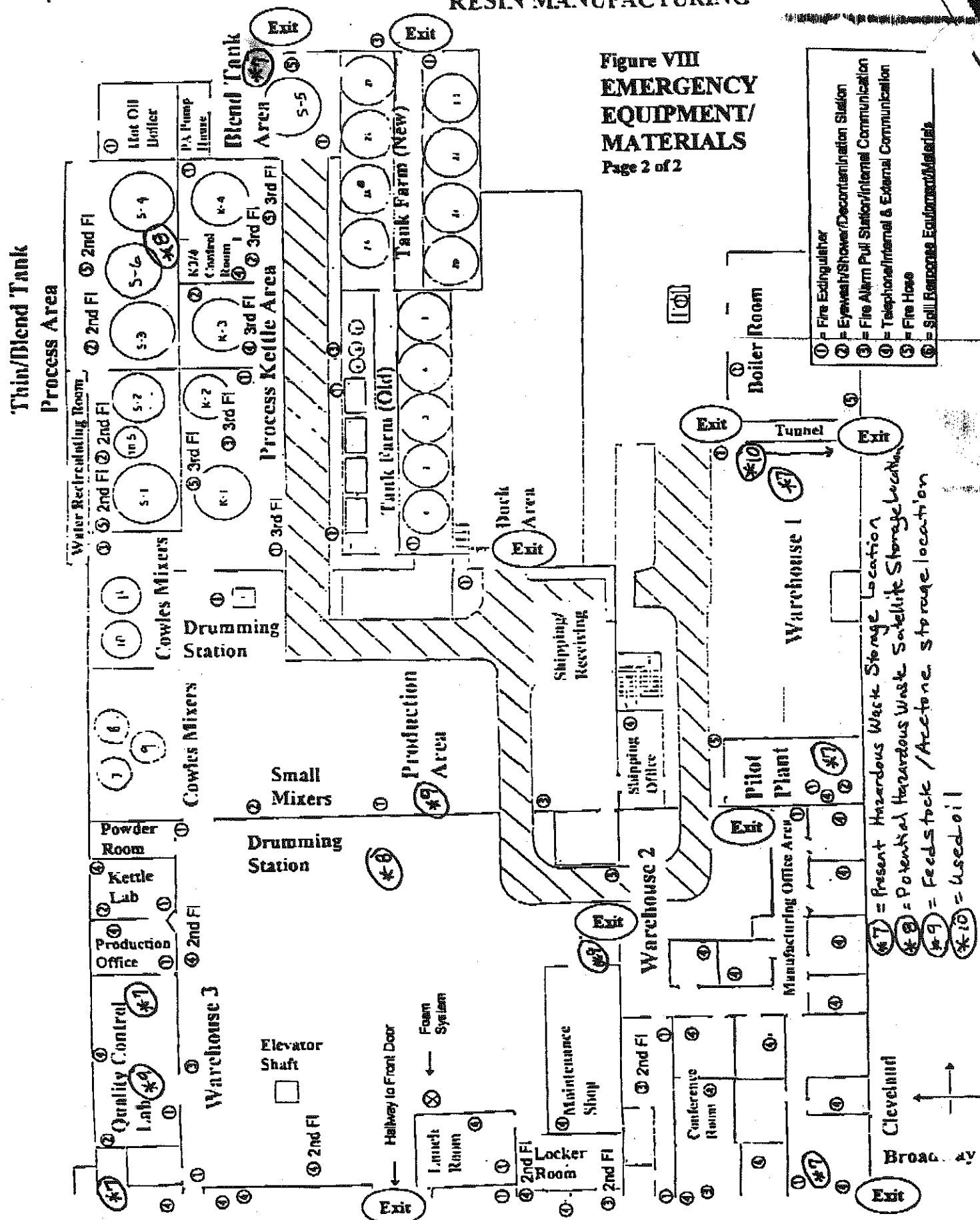
Figure VIII
**EMERGENCY
EQUIPMENT/
MATERIALS**

Page 2 of 2

Thin/Blend Tank
Process Area



PROCESS FLOW AREA RESIN MANUFACTURING





INTERPLASTIC CORPORATION
Commercial Resins Division

2015 N.E. Broadway Street
Minneapolis, MN 55413-1775
(651) 481-8860 Fax (612) 331-4235

FAX COVER SHEET

Date: 12-14-99

TO: (312) 886-6760

FROM:

⇒ Mike Mikulka

⇒ Sheri Peterson, ext. 313

⇒ EPA Region V

⇒ Interplastic Corporation

Fax: (312) 355-4342

Fax #: (612) 331-4235

Number of Pages Including This Cover Sheet: 2

Message:

Drum storage and hazardous
waste storage locations.

If any part this fax transmission is missing or not clearly received, please call:

Sheri Peterson at (651) 481-6860, ext. 313.



RECYCLED PAPER MADE FROM 20% POST CONSUMER WASTE

Greg Berger
Hazardous Waste Compliance
Metro District Office
Major Facilities Section
Minneotsa Pollution Control Agency

Re: Interplastic Corporation Site Visit Report
June 9, 2000

At the request of Mike Mikulka of the EPA , Region 5, I conducted a site visit at Interplastic Corporation, Minneapolis, Minnesota on March 30, 2000.

Present at the site visit were: Greg Berger of the MPCA, and Robert Hoffman and Sheri Peterson of Interplastic Corporation.

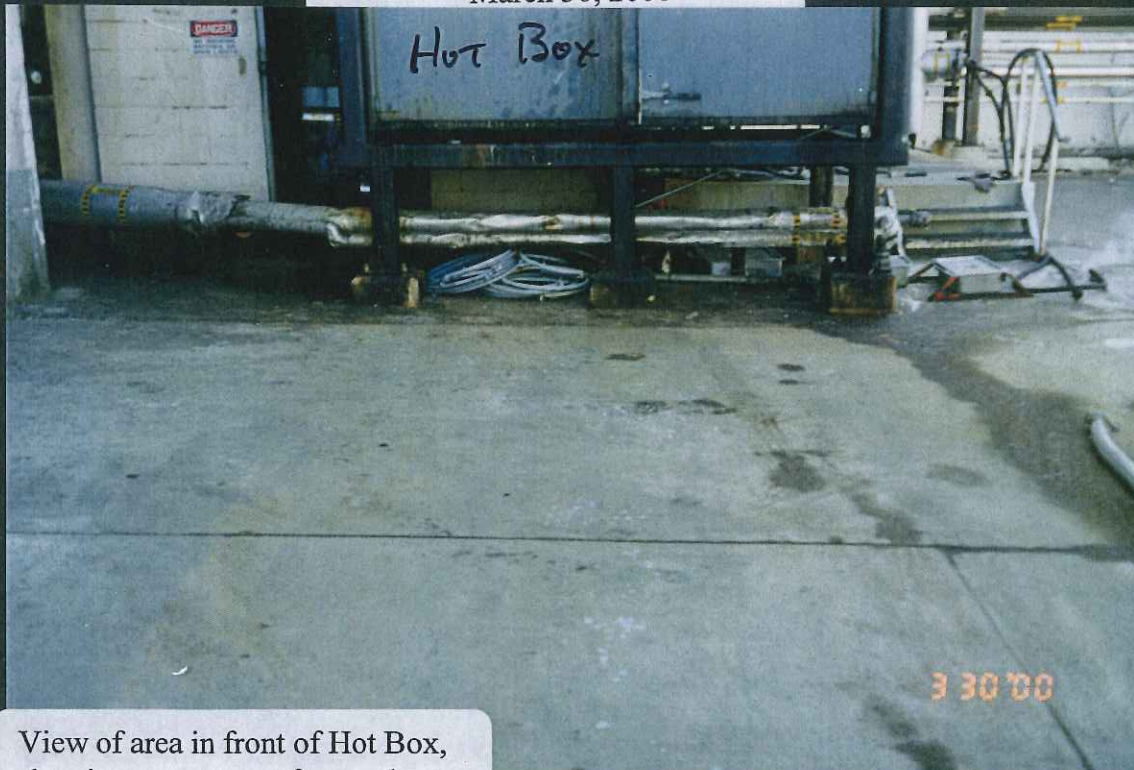
The purpose of the site visit was to inspect the current concrete slab area in front of the company's resin treatment unit (hot box) and discuss with company management the hazardous waste rule requirement for a curbed impermeable containment surface in this area. The company must comply with the containment surface rule requirement if it plans to stage (store) drums of hazardous waste (waste uncured resin) in the area in front of the hot box prior to treatment.

The overall structural integrity of the concrete slab surface in front of the hot box looked good. I observed no obvious cracking in the surface. However, expansion joints were located in the area, which could potentially be an entry point for contaminants to the soil beneath the concrete surface. I indicated to Mr. Hoffman that if he wanted to stage hazardous waste in this area, besides installing a containment dike, the concrete surface (including expansion joints) inside the diked area would have to be sealed. Mr. Hoffman appeared receptive to this requirement.

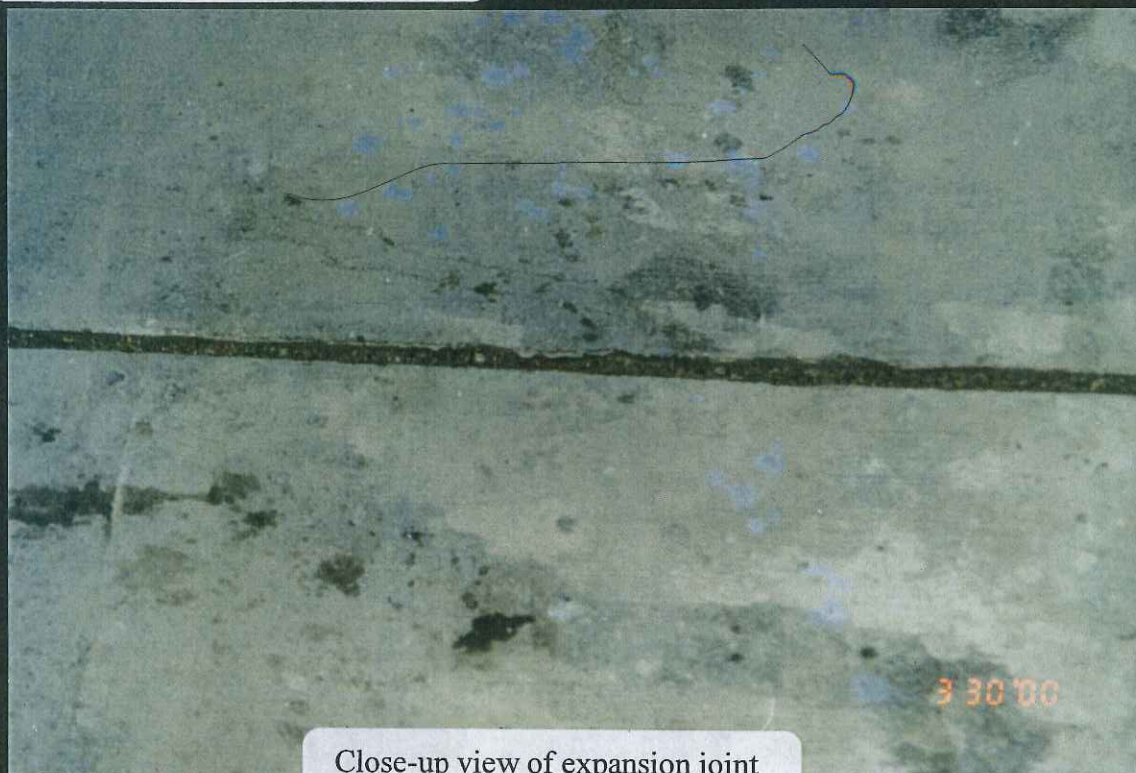
Mr. Hoffman indicated that he had also recently discussed with MPCA Water Quality staff the installation of a containment dike in generally the same area (see the enclosed photos). Water Quality staff had recommended this containment dike in order to isolate the working area in front of and around the hot box from a near by sewer manhole. This proposed containment dike, however, would be larger then that needed for the hazardous waste staging area in front of the hot box. Mr. Hoffman asked if this proposed containment dike for Water Quality would also meet the hazardous waste requirements. I told Mr. Hoffman that if all the concrete surface area inside the containment dike was sealed, I thought it would probably be acceptable, but I said he would also have to get the EPA's approval.

I then discussed with Sheri Peterson the requirement for over head roofing above the hazardous waste staging area. Sheri said she was not sure how much direct sunlight the area received during the day. I told her to observe this in the next couple of days and then to get back to me. Sheri called me a few days later and stated that the area in front of the hot box received approximately three hours of direct sunlight per day, mostly in the morning. I told Sheri that over head roofing would have to be installed over this area if the company planned to stage hazardous waste drums there in the future.

Interplastic Corporation
Minneapolis Plant
Greg Berger, MPCA
March 30, 2000

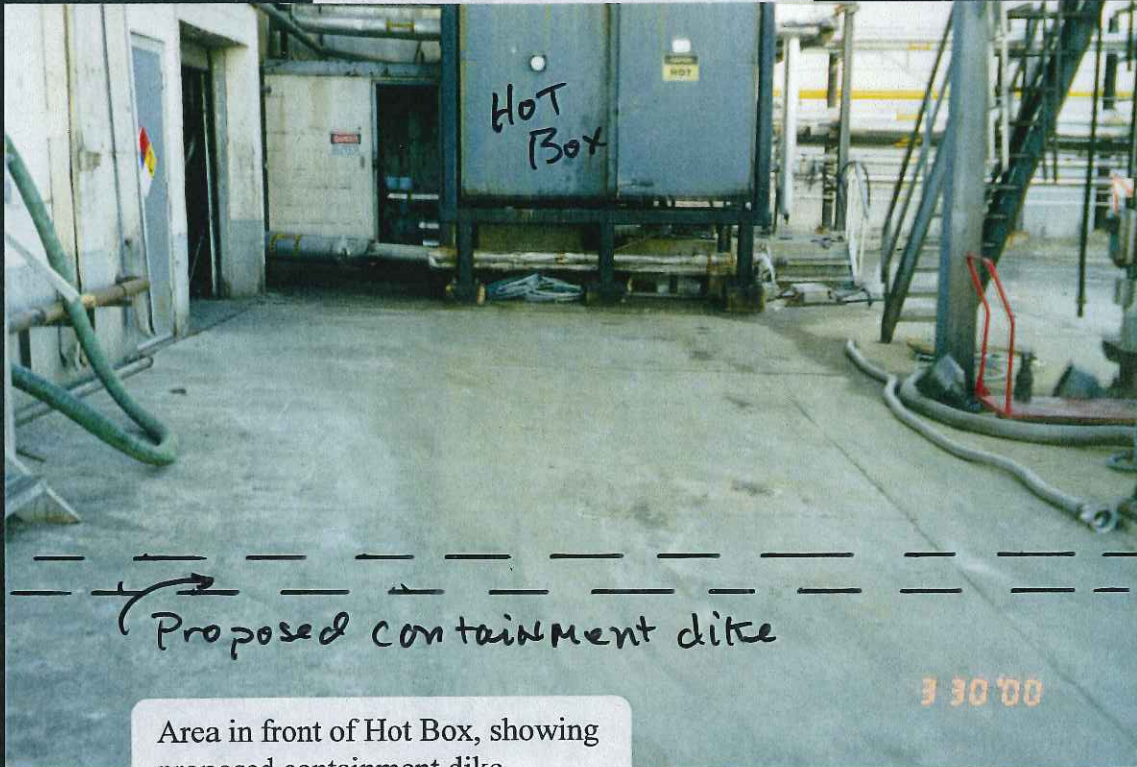


View of area in front of Hot Box,
showing concrete surface and
expansion joints in concrete

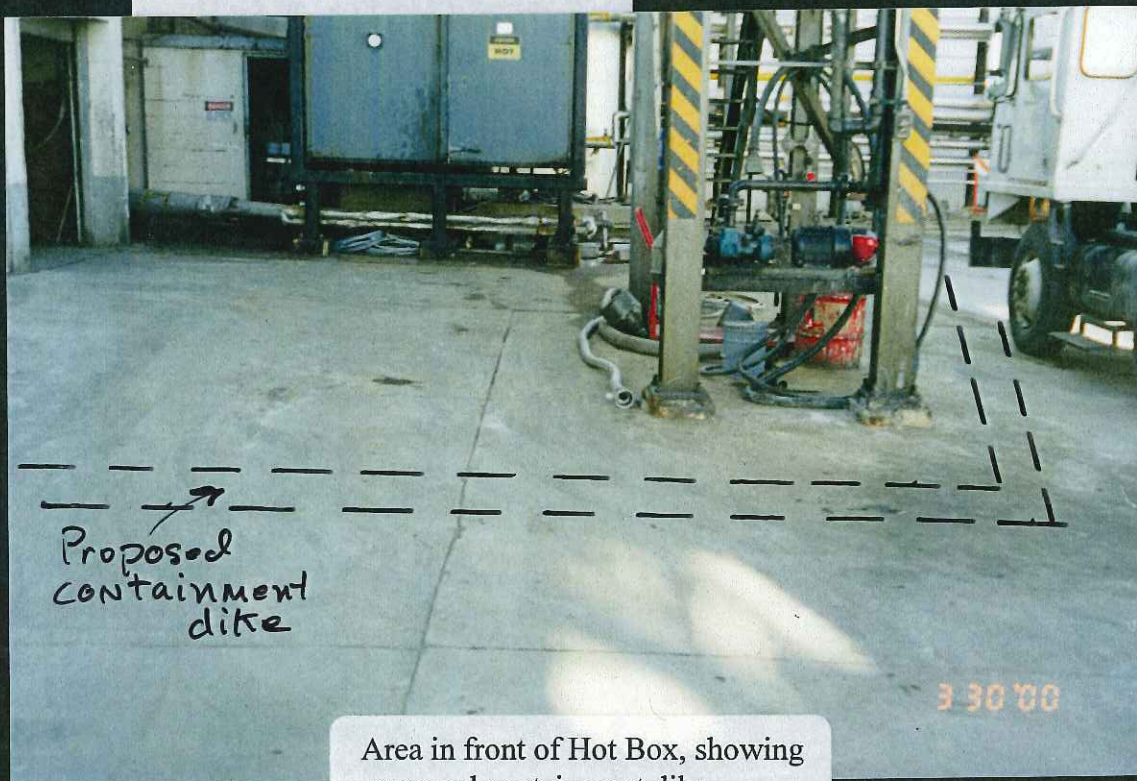


Close-up view of expansion joint
in concrete surface of area in front
of Hot Box

Interplastic Corporation
Minneapolis Plant
Greg Berger, MPCA
March 30, 2000



Area in front of Hot Box, showing
proposed containment dike

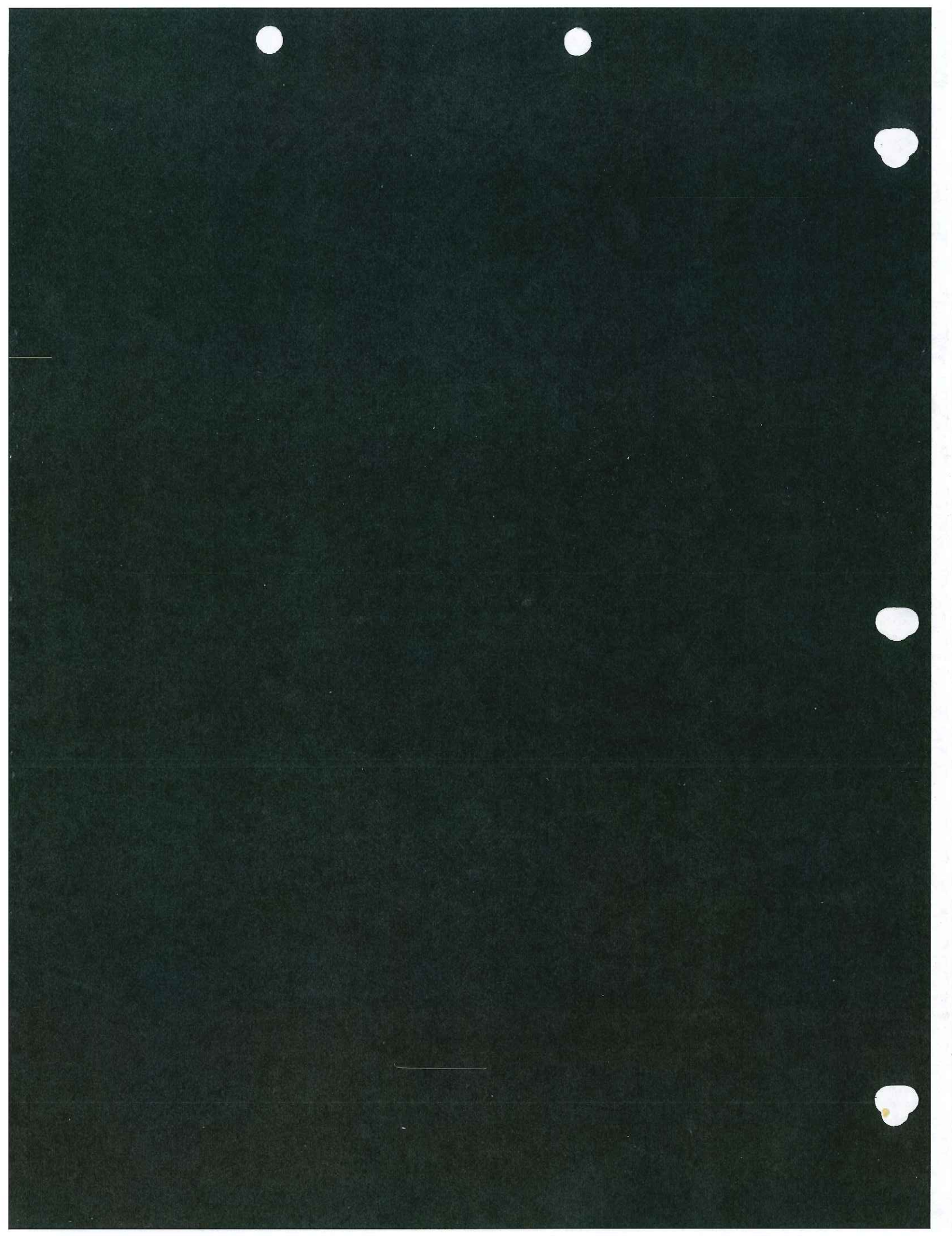


Area in front of Hot Box, showing
proposed containment dike

Interplastic Corporation
Minneapolis Plant
Greg Berger, MPCA
March 30, 2000



Area in front of Hot Box, showing
proposed containment dike





RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT



INTERPLASTIC CORPORATION

A SUBSIDIARY OF PHILLIPS PETROLEUM COMPANY

COMMERCIAL RESINS DIVISION

MINNEAPOLIS, MINNESOTA 55413
2015 N.E. BROADWAY

August 12, 1980

EPA Region V
RCRA Activities
P.O. Box 7861
Chicago, Ill. 60680

RCRA Activities

This is notification for the Hazardous Waste Activities
at Interplastic Corporation, 2015 N.E. Broadway,
Minneapolis, MN 55413.

This form will be sent to you by certified mail,
return receipt requested.

Thank you

Marvin Weiss

Marvin Weiss
Plant Manager
Commercial Resins Division

Enclosures

MW/jr

11

12

U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, stored, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law section 3010 of the Resource Conservation and Recovery Act.

INSTALLATION'S EPA I.D. NO.

MND006151336

I. NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

INTERPLASTIC CORPORATION

2015 N E BROADWAY
MINNEAPOLIS, MN 55413

III. LOCATION OF INSTALLATION

2015 N E BROADWAY
MINNEAPOLIS, MN 55413

FOR OFFICIAL USE ONLY

COMMENTS

INSTALLATION'S EPA I.D. NUMBER

APPROVED

DATE RECEIVED
(yr., mo., & day)

FMND006151336

A

800815

I. NAME OF INSTALLATION

INTERPLASTIC CORPORATION

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

32015 N.E. BROADWAY STREET

CITY OR TOWN

ST.

ZIP CODE

4 MINNEAPOLIS

MN 55413

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

5 SAME

CITY OR TOWN

ST.

ZIP CODE

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)

PHONE NO. (area code & no.)

2 WEISS MARVIN PLANT MANAGER

612-331-6850

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

8 INTERPLASTIC CORPORATION

B. TYPE OF OWNERSHIP
(enter the appropriate letter into box)

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

F = FEDERAL
M = NON-FEDERAL

M

☐ A. GENERATION☐ B. TRANSPORTATION (complete Item VII)☒ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☐ B. RAIL☐ C. HIGHWAY☐ D. WATER☐ E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☒ A. FIRST NOTIFICATION☐ B. SUBSEQUENT NOTIFICATION (complete Item C)

C. INSTALLATION'S EPA I.D. NO.

MND006151336

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

AUG 15 1980

W MND0061513362

IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

| | | | | | |
|----------------------|----------------------|--------------|---------------|---------------|---------------|
| 1 F001 23 - 26 | 2 F003 23 - 26 | 3 23 - 26 | 4 23 - 26 | 5 23 - 26 | 6 23 - 26 |
| 7 23 - 26 | 8 23 - 26 | 9 23 - 26 | 10 23 - 26 | 11 23 - 26 | 12 23 - 26 |

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

| | | | | | |
|---------------|---------------|---------------|---------------|---------------|---------------|
| 13 23 - 26 | 14 23 - 26 | 15 23 - 26 | 16 23 - 26 | 17 23 - 26 | 18 23 - 26 |
| 19 23 - 26 | 20 23 - 26 | 21 23 - 26 | 22 23 - 26 | 23 23 - 26 | 24 23 - 26 |
| 25 23 - 26 | 26 23 - 26 | 27 23 - 26 | 28 23 - 26 | 29 23 - 26 | 30 23 - 26 |

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

| | | | | | |
|-----------------------|-----------------------|---------------|---------------|---------------|---------------|
| 31 U147 23 - 26 | 32 U190 23 - 26 | 33 23 - 26 | 34 23 - 26 | 35 23 - 26 | 36 23 - 26 |
| 37 23 - 26 | 38 23 - 26 | 39 23 - 26 | 40 23 - 26 | 41 23 - 26 | 42 23 - 26 |
| 43 23 - 26 | 44 23 - 26 | 45 23 - 26 | 46 23 - 26 | 47 23 - 26 | 48 23 - 26 |

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

| | | | | | |
|---------------|---------------|---------------|---------------|---------------|---------------|
| 49 23 - 26 | 50 23 - 26 | 51 23 - 26 | 52 23 - 26 | 53 23 - 26 | 54 23 - 26 |
|---------------|---------------|---------------|---------------|---------------|---------------|

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

☒ 1. IGNITABLE
(D001)

☐ 2. CORROSIVE
(D002)

☐ 3. REACTIVE
(D003)

☐ 4. TOXIC
(D006)

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

| | | |
|-----------|---------------------------------------|-------------|
| SIGNATURE | NAME & OFFICIAL TITLE (type or print) | DATE SIGNED |
| | Marvin Weiss Plant Manager | 6/23/80 |



RECYCLED PAPER MADE FROM 100% POST CONSUMER WASTE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

JAN 28 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DE-9J

Gary Seversen, Plant Manager
Minneapolis Plant
Interplastic Corporation
2015 NE Broadway Street
Minneapolis, Minnesota 55413

Re: Notice Of Violation and Request for Information
Interplastic Corporation
EPA ID No.: MND 006 151 336

Dear Mr. Seversen:

On November 16, 1999, representatives of the United States Environmental Protection Agency (U.S. EPA) and the Hennepin County Department of Environmental Services conducted a Compliance Evaluation Inspection under the authority of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., at Interplastic Corporation's Minneapolis plant (Interplastic) located at the above address.

Based on information provided by Interplastic personnel, review of records, and physical observations made by the inspectors at the time of the investigation, the U.S. EPA has determined that Interplastic has violated and/or potentially violated certain requirements of RCRA, 42 U.S.C. §§6901 et. seq., as amended by the Hazardous and Solid Waste Amendments of 1984, Public Law 98-616, at its Minneapolis facility. The alleged violations relate to Minnesota hazardous waste management regulations applicable to large quantity generators of hazardous wastes (Minnesota State Rules Chapter 7045: Hazardous Waste Rules), and federal regulations codified at Title 40, Code of Federal Regulations (CFR) Part 265, Subpart CC (Air Emission Standards for Tanks, Surface Impoundments and Containers).

Specific alleged violations detected during the inspection of the Interplastic facility are detailed as follows:

**Violation No. 1 Minnesota Standards at Chapter 7045, Rule
7045.0292, Accumulation of hazardous waste, Subpart 8,
Satellite accumulation**

Minnesota regulation 7045.0292, Subpart 8, specifies that a generator may accumulate as much as 55 gallons of hazardous waste at each point of generation, without a permit or interim status, if, among other things, the generator complies with Minnesota rule 7045.0626, subparts 2 to 4 and 6; clearly labels each container with the words "Hazardous Waste" and a description of the waste; and complies with Minnesota rules 7045.0566 and 7045.0568, if a large quantity generator.

Based on the inspection, Interplastic failed to comply with the following Minnesota requirements for satellite accumulation:

Open satellite containers

Minnesota rule 7045.0292, Subpart 8.B.(1) requires, among other things, that a generator comply with Part 7045.0626, Subpart 4, which requires that a container holding hazardous waste must always be closed during storage, except when necessary to add or remove waste or when a generator is treating hazardous waste in that container in accordance with certain other Minnesota rules. During the inspection, satellite containers at the south drumming station (5 gallon pail); the Thin Tank area (55 gallon drum); and near Kettle #2 (55 gallon drum); were open, and no waste was being added to, removed from, or treated in the containers.

Unlabeled satellite containers

Minnesota rule 7045.0292, Subpart 8.B.(2) requires that a container holding hazardous waste must be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel. During the inspection, satellite containers observed to be holding hazardous waste at the south drumming station (5 gallon pail); the Thin Tank area (55 gallon drum); and near Kettle #2 (55 gallon drum); were not labeled as required.

**Violation No. 2 Minnesota Standards at Chapter 7045, Rule
7045.0292, Accumulation of hazardous waste, Subpart 1, Large
quantity generators**

Minnesota regulation 7045.0292, Subpart 1.B., specifies that a large quantity generator may accumulate hazardous waste on-site without a permit or interim status, if, among other things, the

generator places the waste in containers which meet the standards of Minnesota rule 7045.0270, subpart 4, and the containers are managed in accordance with other Minnesota rules including Minnesota rule 7045.0626; Minnesota rule 7045.0292, Subpart 1.C., requires containers to be clearly labeled with the waste accumulation start date, which must be visible for inspection; Minnesota rule 7045.0292, Subpart 1.E., requires containers that hold free liquids to be placed on a containment surface that is impermeable to the wastes stored and, if outside, is curbed; and Minnesota rule 7045.0292, Subpart 1.F., requires all containers to be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel.

Based on the inspection, Interplastic failed to comply with the following Minnesota requirements for large quantity generators of hazardous waste:

Failure to manage containers in accordance with Minnesota rule 7045.0626, Subpart 4, per Minnesota rule 7045.0292, Subpart 1.B.

Outside the process building in front of the hot box, there were 14 containers (55 gallon drums) of hazardous waste resin awaiting treatment in the hot box. Twelve of the fourteen containers were observed to be open in some fashion (at least a bung open), and hazardous waste was not being added to, removed from, or being treated in the containers at the time.

Failure to label containers with accumulation start date, per Minnesota rule 7045.0292, Subpart 1.C.

Outside the process building in front of the hot box, there were 14 containers (55 gallon drums) of hazardous waste resin awaiting treatment in the hot box. At least 12 of the 14 containers were not labeled with the accumulation start date. Only 2 had any date on the drum, although it was not clear whether the markings on the drums were accumulation start dates.

Failure to label containers with the words "Hazardous Waste" and a description that clearly identifies their contents, per Minnesota rule 7045.0292, Subpart 1.F.

Outside the process building in front of the hot box, there were 14 containers (55 gallon drums) of hazardous waste resin awaiting treatment in the hot box. None of the containers were labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel.

Failure to store containers with free liquids on a containment surface that is impermeable to the wastes stored, and within a curbed area, per Minnesota rule 7045.0292, Subpart 1.E.

Outside the process building in front of the hot box, there were 14 containers (55 gallon drums) of hazardous waste resin awaiting treatment in the hot box. The containers were observed to contain free liquids, and the area outside in front of the hot box did not appear to have an impermeable coating or curbing, as required by the rules.

Violation No. 3: Federal Standards for LQGs

40 CFR § 265.1082(a) provides that the Subpart CC air emissions standards for tanks, surface impoundments and containers, became effective on December 6, 1996. These standards are applicable to large quantity generators of hazardous waste pursuant to 40 CFR § 262.34(a)(1)(I) and 40 CFR § 265.178. Minnesota is not yet authorized for Subpart CC; as such the federal standards apply.

40 CFR § 262.34(a) states that in order for a generator to be exempt from permitting requirements, if it accumulates its waste in containers, it must comply with the container standards at 40 CFR 265, Subpart I. One of the requirements specified in Subpart I at 40 CFR § 265.178, is that the owner or operator shall manage all hazardous waste placed in the container in accordance with the applicable requirements of Subpart CC.

Specific Violations of Subpart CC Standards for Containers

Failure to meet Container Level 3 controls during treatment

40 CFR § 265.1087(b) and (e), as referenced by 40 CFR § 265.178 and §262.34(a)(1)(I).

40 CFR § 265.1087(b)(2) provides that when a container having a design capacity greater than .1 cubic meters (about 26 gallons) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in paragraph (e) at those times during the waste stabilization process when the hazardous waste is exposed to the atmosphere.

40 CFR § 265.1087(e)(1) specifies that a container using Container Level 3 standards is either a container vented directly

through a closed-vent system to a control device, or a container vented inside an enclosure which is exhausted through a closed-vent system to a control device.

Based upon observations made during the inspection, a review of Interplastic's records and interviews with facility personnel, the facility adds treatment chemicals to the containers of hazardous waste to be treated in the hot box, and mixes the chemicals in the containers before placing the drums of hazardous waste within the enclosure (the hot box) which has air emission controls. Treatment in containers without air emission controls is prohibited after December 6, 1996, by 40 CFR 265.1087(b).

Violations of Container Level 3 standards during treatment

40 CFR § 265.1087(b) and (e), as referenced by 40 CFR § 265.178 and §262.34(a) (1) (I).

40 CFR § 265.1087(b) (2) provides that when a container having a design capacity greater than .1 cubic meters (about 26 gallons) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in paragraph (e) at those times during the waste stabilization process when the hazardous waste is exposed to the atmosphere.

40 CFR § 265.1087(e) (1) specifies that a container using Container Level 3 standards is either a container vented directly through a closed-vent system to a control device, or a container vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of paragraphs (e) (2) (I) and (e) (2) (ii).

40 CFR § 265.1087(e) (2) (I) requires that the enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure, and that the owner or operator shall perform the verification procedure for the enclosure initially when the enclosure is first installed, and annually thereafter. Once the drums of hazardous waste are placed in the hot box, the box is closed and all subsequent treatment occurs within the enclosure which is exhausted to the control device. Based on the inspection, interviews with facility personnel and review of records, Interplastic did not conduct a verification procedure for the enclosure initially (before 12/6/96), and has not conducted an annual verification procedure for the enclosure for 1997, 1998 or 1999, as required by 40 CFR §265.1087(e) (2) (I).

40 CFR § 265.1087(e)(2)(ii) requires the closed vent system and control device to be designed and operated in accordance with the requirements of 40 CFR § 265.1088. 40 CFR § 265.1088 provides standards for closed vent systems and control devices. The air emissions from the hot box are routed to the thermal vapor incinerator for destruction through a closed vent system, and this closed vent system is subject to the requirements of 40 CFR § 265.1087(e)(2)(ii) and 40 CFR § 265.1088.

40 CFR § 265.1088(b)(2) requires that closed vent systems be designed and operated in accordance with 40 CFR § 265.1033(j). If the system is designed to operate under negative pressure, then at least one pressure gage is required based on 40 CFR § 265.1033(j)(2). Based on interviews with facility personnel, Interplastic's closed vent system is designed to operate under negative pressure, but has no pressure gage on its closed vent system.

Failure to conduct inspections required by Subpart CC

40 CFR § 265.1089, as referenced by 40 CFR § 265.178 and 40 CFR § 262.34(a)(1)(I).

40 CFR § 265.1089(a) requires that the owner shall inspect and monitor air emission control equipment in accordance with the applicable requirements of 40 CFR § 265.1085 through § 265.1088. 40 CFR § 265.1089(b) requires the owner or operator to develop and implement a written plan and schedule to perform the inspections and monitoring required.

40 CFR § 265.1088(b)(4) requires closed vent systems to be inspected and monitored in accordance with the requirements of 40 CFR § 265.1033(k). 40 CFR § 265.1033(k)(2) requires an initial inspection of the system on or before December 6, 1996, and an annual inspection thereafter, to ensure there are no leaks. Based on the interviews with facility personnel and review of records, Interplastic has not conducted any inspections of the closed vent system in 1996, 1997, 1998 or 1999 in violation of 40 CFR § 265.1033(k)(2), § 265.1088(b)(4) and § 265.1089(a). Based on a review of records and interviews with facility personnel, Interplastic does not have a written inspection plan for such inspections and monitoring, in violation of 40 CFR § 265.1089(b).

Failure to maintain records required by Subpart CC

40 CFR § 265.1090(a), (d) and (e) as referenced by 40 CFR § 265.178 and 40 CFR § 262.34(a)(1)(I). Owners or operators of

facilities subject to Container Level 3 standards are required to maintain records as required by 40 CFR § 265.1090(a), (d) and (e).

Based on the inspection, a review of records and interviews with facility personnel, there are no records under 40 CFR § 265.1090(d), and the records as required by 40 CFR § 265.1090(e) are incomplete.

Additional Information and Next Steps

U.S. EPA has determined that additional information is necessary to determine the nature, extent and duration of the violations by Interplastic at the Minneapolis facility. The specific information needed is identified in the information request under Section 3007 of RCRA, which is enclosed with this Notice of Violation.

Please respond in writing within 20 days of your receipt of this Notice of Violation regarding specific efforts Interplastic has taken, or plans to take, to correct the violations described above, including any capital and operation and maintenance costs incurred to correct or mitigate the violations. If any of the violations are continuing, you must submit a proposed plan for returning to compliance. The plan must include a schedule for compliance including interim milestones, as well as capital and operation and maintenance cost estimates.

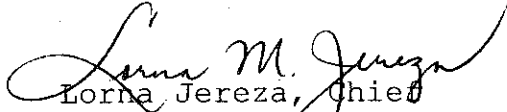
Please note that the violations cited above may warrant the imposition of a civil penalty under U.S. EPA's RCRA Civil Penalty Policy.

With regard to Interplastic's response to the enclosed information request, U.S. EPA may use any information which Interplastic provides in any civil or criminal proceeding related to this and other matters. Furthermore, any false, fictitious or fraudulent submissions, statements or representations, or any omissions, may subject Interplastic and the individual responsible to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If you have any technical questions regarding the Findings of Violations, then please contact Michael Mikulka of my staff, at

312-886-6760. Legal inquiries should be directed to Christine Liszewski, Associate Regional Counsel, at 312-886-4670.

Sincerely yours,

A handwritten signature in cursive script, reading "Lorna M. Jereza".

Lorna Jereza, Chief
Compliance Section 1
Enforcement & Compliance Assurance Branch

Enclosure

cc: Ann Foss, Section Manager
North/South Major Facilities
Minnesota Pollution Control Agency

Greg Berger, MPCA

Darwin Schulz
Hennepin County

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

| | | |
|--------------------------|---|---------------------------------|
| Interplastic Corporation |) | Information Request Pursuant |
| 2015 NE Broadway Street |) | to Section 3007 of the Resource |
| Minneapolis, Minnesota |) | Conservation and Recovery Act, |
| |) | as amended, 42 U.S.C. § 6927. |

This is a request for information by the United States Environmental Protection Agency (U.S. EPA), issued under Section 3007 of the Resource Conservation and Recovery Act (RCRA, or the Act), as amended, 42 U.S.C. § 6927. The issuance of this request requires Interplastic Corporation (Interplastic or Respondent) to submit information relating to its management of solid and/or hazardous wastes located at its manufacturing facility located in Minneapolis, Minnesota 55413.

I. INSTRUCTIONS

This request for information pertains to specific information you may have regarding the management of solid and/or hazardous waste at the Interplastic Corporation facility located at 2015 NE Broadway Street, Minneapolis, Minnesota (the "Facility"). Terms used in the request are defined within the Minnesota State Rules at Chapter 7045, the Act, definitions found at 40 C.F.R. § 265.1081, elsewhere within 40 C.F.R. Parts 260 through 266, and if not so defined, shall have the meaning common in English usage.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. Respondent is entitled to assert a claim of

confidentiality pursuant to 40 CFR § 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. A request for confidential treatment must be made when information is provided since any information not so identified will not be accorded this protection by the Agency.

The written statements submitted pursuant to this request must be notarized and returned under an authorized signature certifying that all statements contained in them are true and accurate to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory should so notify U.S. EPA. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under Section 101 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

Two copies of the information requested herein must be provided, within twenty (20) calendar days following receipt of this request, to the U.S. EPA, Region 5, Enforcement and Compliance Assurance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Michael Mikulka; with copies to Greg Berger, Minnesota Pollution Control Agency (MPCA), MD/RF, 520 Lafayette Road, St. Paul, Minnesota 55155, and to Darwin Schulz, Hennepin County, Department of Environmental Services, 417 North Fifth Street, Minneapolis, Minnesota 55401-1397.

This Information Request is not subject to the Paperwork Reduction Act, See 44 U.S.C. Sections 3518(c)(1)(A) and (B).

II. FINDINGS OF FACT

1. On November 16, 1999, representatives of the U.S. EPA and Hennepin County conducted an RCRA inspection of the Interplastic Corporation facility located at 2015 NE Broadway Street, Minneapolis, Minnesota (hereinafter "the inspection"). At the exit interview, the U.S. EPA representatives informed Respondent that they had discovered potential violations of RCRA standards for hazardous waste management in containers.

2. Since the inspection, Respondent has provided U.S. EPA with additional information as requested during the inspection, in a letter from Sheri Petersen of Interplastic Corporation to Mike Mikulka of U.S. EPA dated November 24, 1999, and a fax on December 14, 1999.

III. REQUEST FOR INFORMATION

1. Submit the following information responsive to the Notice of Violation (NOV) issued to Respondent based on the inspection conducted on November 16, 1999: specific efforts Respondent has taken since November 16, 1999, or plans to take, to correct each of the potential violations described in the NOV, including any capital and operation and maintenance costs incurred to correct or mitigate each of the violations. If any of the violations are continuing, submit a proposed plan with a detailed identification of actions that will be taken to return to compliance with respect to that specific violation. The plan must also include a proposed schedule for compliance, including interim milestones, as well as an estimate of capital and operation and maintenance cost incurred or expected to be incurred, if any, to correct the violations.

2. With respect to the satellite accumulation container (5 gallon pail) observed in the vicinity of the south drumming station during the inspection, please provide the following information:

A. Identify the material contained in the container, with specificity, including appropriate wastes codes based upon applicable Minnesota rules, and chemical analysis, if any, and provide a copy of any analytical data used to support said identification.

B. Why was the container open during the inspection?

C. Why was the container not labeled as hazardous waste?

D. What was the date that waste first began to be accumulated in the container at that location?

E. On what date was the container labeled as hazardous waste?

F. When was the container closed?

3. With respect to the satellite accumulation container (55 gallon drum) observed in the Thin Tank area during the inspection, please provide the following information:

A. Identify the material contained in the container, with specificity, including appropriate wastes codes based upon applicable Minnesota rules, and chemical analysis, if any, and provide a copy of any analytical data used to support said identification.

B. Why was the container open during the inspection?

C. Why was the container not labeled as hazardous waste?

D. What was the date that waste first began to be accumulated in the container at that location?

E. On what date was the container labeled as hazardous waste?

F. When was the container closed?

4. With respect to the satellite accumulation container (55 gallon drum) observed near Kettle #2 during the inspection, please provide the following information:

A. Identify the material contained in the container, with specificity, including appropriate wastes codes based upon applicable Minnesota rules, and chemical analysis, if any, and provide a copy of any analytical data used to support said identification.

B. Why was the container open during the inspection?

C. Why was the container not labeled as hazardous waste?

D. What was the date that waste first began to be accumulated in the container at that location?

E. On what date was the container labeled as hazardous waste?

F. When was the container closed?

5. During the inspection, there were 14 containers (55 gallon drums) of hazardous waste located outside the process building in front of the hot box. Please provide the following information with respect to those containers:

A. When (what date) were the containers placed in that location at the facility?

B. Identify the material contained in each container, with specificity, including appropriate wastes codes based upon applicable Minnesota rules, and chemical analysis, if any, and provide a copy of any analytical data used to support said identification.

C. Why were the containers open during the inspection, and when were the containers opened?

D. Why were the containers not labeled as hazardous waste?

E. What was the date that waste first began to be accumulated in each container?

F. On what date was each container labeled as hazardous waste?

G. Was each of those containers treated beginning on November 16, 1999, in the hot box? If so, when was the treatment completed for those containers? If not, specify the date(s) on which each of the 14 containers of hazardous waste were treated, and whether such wastes were treated in the hot

box, or shipped off-site for treatment.

H. Provide copies of the manifests or bills of lading for the containers if they have been shipped off-site.

I. During the inspection, the containers appeared to contain free liquids. Please verify if the containers contained free liquids.

J. With respect to the location outside the process building in front of the hot box, describe the containment surface. Is the surface of that area impermeable to the wastes stored? If yes, what is the basis for such statement?

K. With respect to the location outside the process building in front of the hot box, is that area curbed or does it otherwise have secondary containment? If yes, please submit documentation regarding the curbing or secondary containment. If not, why not?

L. Does Respondent intend to install an impermeable coating and/or secondary containment in the location outside the process building in front of the hot box? If yes, please include a plan and schedule and cost estimate for this as part of your response to item #1, above. If not, why not?

6. On November 10, 1998, Interplastic submitted a treatment plan for the curing of waste resin to Mr. Dan Card of MPCA.

A. Is this the most current treatment plan for the curing of waste resin?

B. Was said plan ever approved by MPCA? If so, submit a copy of the MPCA approval letter.

C. Provide the following additional detail regarding the location and procedure where catalyst is added to the waste

drums, and how the catalyst is mixed into the waste.

- Is the catalyst added in the location where the drums were observed during the inspection? If not, where does it occur?
- During the addition of catalyst and any mixing, are any air emission controls utilized, or have any been utilized since December 6, 1996?
- What is the typical length of time from opening of the drums for addition of catalyst to placement of the drums in the hot box for further treatment?
- Has Interplastic estimated the pounds of air emissions per drum that occurs from the time each drum is opened until it is placed in the hot box? If so, please submit such emission estimates.
- Has Interplastic estimated the total pounds of air emissions per drum that occurs from the time each drum is opened until treatment is completed in the hot box? If so, please submit such emission estimates.

7. With respect to the hot box, did Interplastic verify that the hot box enclosure meets the criteria for a permanent total enclosure specified in 40 CFR 265.1087(e)(2)(i) prior to December 6, 1996? Submit all records in Respondent's possession supporting its response.

8. Provide any and all documentation of each instance since December 6, 1996, that Respondent verified that the hot box enclosure meets the criteria for a permanent total enclosure specified in 40 CFR 265.1087(e)(2)(i).

9. Is the closed vent system from the hot box to the thermal

vapor incinerator operating under negative pressure? If so, is there a pressure gage installed anywhere within the closed vent system as required by 40 CFR 265.1033(j)?

10. Has Interplastic inspected the closed vent system from the hot box enclosure to the thermal vapor incinerator for leaks at any time prior to December 6, 1996? At any time since December 6, 1996?

11. Does Interplastic have an inspection plan for its hazardous waste treatment air emission controls, as required by 40 CFR 265.1089? If so, when was it developed, and please submit a copy.

12. Does Interplastic have any records as required by 40 CFR 265.1090(a), (d) and (e)? If so, submit copies of such records since December 6, 1996.

13. Specify and describe all waste management units at the facility which Interplastic considers exempt from the air emission standards found at 40 CFR 265.1085 through 265.1088. Submit any and all tests, documentation and calculations in support of any exemption that Interplastic considers applicable.

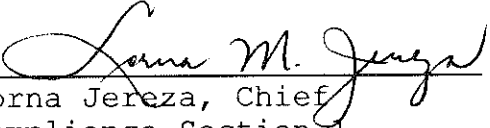
14. Submit a copy of the annual reports on hazardous waste generation by Interplastic at the facility, prepared for calendar years 1996, 1997, 1998 and 1999.

15. Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents and inquiry of those individuals

immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this 28th day of January, 2000.


Lorna Jereza, Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides, and Toxics Division
United States Environmental Protection Agency
Region 5



RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

DATE: December 13, 1999

SUBJECT: Inspection Report
Interplastic Corporation
Minneapolis, Minnesota

FROM: Michael Mikulka
Environmental Engineer



TO: Lorna Jereza, Chief
Compliance Section 1

Inspection Date: November 16, 1999

Inspection Participants:

Michael Mikulka, U.S. EPA, 312-886-6760
Dan Chachakis, U.S. EPA
Darwin Schulz, Hennepin County
Sheri Petersen, Site Manager - Health, Safety, Env. and Quality
Gary Seversen, Plant Manager
Bob Hoffman, Corporate Environmental Officer (via phone)

Facility: Interplastic Corporation
CoREZYN Division
2015 N.E. Broadway Street
Minneapolis, Minnesota 55413-1775
MND 006 151 336

Responsible Official:

Gary Seversen, Plant Manager

Applicable Regulations:

40 C.F.R. Part 265, and applicable Minnesota rules

Purpose of Inspection:

From the federal perspective, this was a routine compliance inspection of the facility pursuant to §3007 of RCRA, 40 C.F.R. Part 265, Subparts AA, BB and CC, concerning air emissions from process vents, equipment, tanks, surface impoundments, containers and miscellaneous units, and applicable Minnesota hazardous waste regulations.

The inspection was conducted at the request of Hennepin County, which was concerned about the regulatory status of the hot box unit used for treatment of waste resins and resin filters.

I. Facility Description

Interplastic Corporation (Interplastic) is a manufacturer of base resin products from raw materials, including glycols, maleic anhydride, phthalic anhydride, dicyclopentadiene, and styrene. It also manufactures blended products from base resins, styrene and other ingredients. Attachments 1 and 2 are schematics of the base resin and blend product manufacturing processes conducted at Interplastic. Attachment 3 is a schematic of the resin manufacturing plant layout.

II. Regulatory Status

Interplastic is a fully regulated large quantity generator of hazardous waste. The inspection confirmed this status. Based upon the inspection conducted, the facility appears to be acting as an unpermitted storage facility, since it did not meet the waste accumulation and storage standards required in order to be exempt from permitting. The facility manages containers subject to the interim status provisions of the Subpart CC Air Emissions Standards for Tanks, Surface Impoundments and Containers, 40 C.F.R. 265.1080 through 1090.

III. Regulatory Evaluation

An inspection of the facility's compliance with the Subpart AA, BB and CC interim status standards was completed. The facility was found not to have any processes subjecting it to Subpart AA, and no equipment regulated under Subpart BB. The facility manages containers subject to Subpart CC Level 1 and Level 3 standards. Details are discussed below.

Pre-inspection interview

Dan Chachakis and Mike Mikulka, of the U.S. EPA, and Darwin Schulz of Hennepin County met with Sheri Petersen and Gary Seversen of Interplastic. Mr. Schulz is the regular inspector assigned to the facility. The facility representatives were advised that we were particularly interested in inspecting any containers and points of waste generation that were subject to Subpart CC, and the hot box waste treatment system for waste resins, followed by a records review. Ms. Petersen hooked in Bob Hoffman, the corporate environmental officer, via telephone, for a portion of the entrance interview, as he was out on travel.

Ms. Petersen made a presentation of the manufacturing conducted at Interplastic. The facility operates under SIC code 2821, and its principal product is base resin made from bulk raw materials. This product is made in batches, and is generally shipped off-site in bulk, with a small percentage shipped in drums or other small containers. In addition, certain customers order other products made from base resins, styrene and other ingredients. These are made up in batches to the customers' specification. Left over materials are typically stored in containers until another like order is received, so there is little waste from the production.

During the entrance interview, and later through the plant walk-through, it was confirmed that there are no processes subject to 40 C.F.R. 265, Subpart AA; and that there is no equipment subject to 40 C.F.R. 265, Subpart BB. There are no hazardous waste tanks on-site; all waste is managed in containers.

Visual Inspection

We toured the facility (generally) in the order that materials would normally flow through the process: R&D; raw material storage; production; and product loading. Photos were taken during the inspection in order to better understand the processes and points of waste generation and treatment at the facility, and document violations. These photos and a photo log are attached. See Attachment 4. We were accompanied throughout the inspection by facility personnel (as above) familiar with the operation.

The first area was the R&D pilot plant area. No hazardous waste was located in this area. It was noted that there was an open drum of product in this area.

The next area was the product storage area located in Warehouse 3. Base products and other materials which will be recycled back into the product are stored in this area. A drum fill area is located along the wall here, known as the south drumming station. Adjacent to this area, there was a 5 gallon pail of hazardous waste acetone and rags which was not covered and was not labeled as hazardous waste. Photo #1 was taken of this area. Upon discovering the open, unlabeled pail, facility personnel immediately removed it.

We next toured the quality control lab which is located adjacent to Warehouse 3. There is a small quantity of hazardous waste generated here from titrations. Used acetone is also used as a feedstock. The used acetone container was not properly closed and presented a possible health hazard.

Next stop was the control room, where each process vessel is

computer controlled. No hazardous waste is generated here.

We proceeded to the Thin Tank area. In this area, the base resins from the process reactors are mixed with styrene, prior to storage in one of 20 base resin holding tanks. 4 Thin Tanks are located in one room, and 2 in another. Filter bags and waste resin are hazardous wastes (D001) generated in this area. There are 6 filter bags, one associated with each Thin Tank. According to Sheri Petersen, there are 6 to 8 55-gallon drums per month of used filters, which contain styrene and unsaturated polyester resin. The spent filters are generally drained into 5 gallon pails, with the resins recycled back into the process, and the filters (after draining) accumulated in a 55 gallon drum adjacent to the filter bag area. At the time of the inspection, there were 3 open 5 gallon pails with filters draining, and one open 55 gallon drum where waste resins and spent filters were being accumulated. Neither the pails nor the drum were labeled as hazardous waste. Photos were not taken, as this is an enclosed area where photos are not allowed.

Adjacent to Thin Tank #2, there was spillage on the floor. We were advised that the spillage was a mixture of styrene and water, and it would be cleaned up. In addition, there was an open 5 gallon pail of unidentified material located on the catwalk next to Thin Tank #2. We were later advised by Ms. Petersen that this material was product that would be recycled back into the process.

We then proceeded into the process kettle area. In this area, base resins are formulated from raw materials. On the top floor of the kettle area, vapors are collected from the kettles in condensers for recycle back into the process. Any uncondensed vapors are routed to a thermal vapor incinerator for destruction. The incinerator is operated under an existing expired air pollution control permit issued in 1986 by the Minnesota Pollution Control Agency (MPCA). The design specification is a 1 second detention time in the combustion zone at a minimum temperature of 1400 degrees Fahrenheit. On this floor, there were numerous open 5 gallon containers of what we were advised was product which was to be recycled back into the process. The Venturi scrubber, a backup air pollution control device, is also located in this area. According to Ms. Petersen, the thermal vapor incinerator operated 99.7% of the time in 1999.

We went outside the building to view the thermal vapor incinerator. Photos #2, 3 and 4 were taken. See Attachment 4.

We next proceeded to the Kettle Solids loading area. Adjacent to Kettle #2, there was spillage on the floor. Facility personnel advised that this would be cleaned up and managed as hazardous

waste. There were also 2 open pails of kettle solids (product). Also in this area were 4 drums of propylene glycol, with spillage and cleanup materials (absorbents) adjacent to the drums. These are not hazardous materials per Gary Seversen.

We proceeded to the area where the hot box is located. Just inside the building near that area, there was an open drum of about $\frac{1}{2}$ full of hazardous waste resin material. It was not labeled as hazardous waste, and had no accumulation start date.

At the hot box area, there were 14 drums observed. See Photos #5 and #6. Only 2 of the 14 were closed. None were labeled as hazardous waste, and none had an accumulation date on the drum. Many had both bungs open and tops ajar. Facility personnel confirmed that these drums were hazardous waste resins destined for treatment in the hot box. The hot box was in operation, with other drums currently being treated. While we were there, Ms. Petersen went and got some hazardous waste labels and began to label the drums, and mark the accumulation dates. A schematic showing the drum locations and closure status of each is included as Attachment 5.

The hot box is a carbon steel box which can hold up to 4 pallets of 55 gallon drums, or 5 gallon pails. The current procedure is as follows: After the hot box is emptied, the next load of drums to be treated are opened and waste treatment chemicals are added to each, and stirred manually. Then, the pallets of 4 drums each are loaded into the box and the box is closed. The box is heated via a steam line to a temperature of 200-205 degrees F in order to cure the resin over a period of 10-14 days. The curing process occurs under a nitrogen blanket to ensure vapors will not ignite. Nitrogen is fed into the unit at a rate of 35-40 scf/hr. Vapors are routed to the on-site thermal vapor incinerator for destruction, along with other process air emissions. (An updated treatment plan for curing of waste resin was submitted to MPCA on November 10, 1998, in order to receive a permit exemption pursuant to Minnesota rules 7045.0450, Subpart 3, item K).

An accumulation tank for remediation waste water is located on top of the hot box. The waste water collected is discharged to the sanitary sewer under a permit from the Metropolitan Council. This aspect of the facility operation was not reviewed in detail as it was evaluated during the facility multi-media inspection conducted in March 1999 by MPCA, Hennepin County and Metropolitan Council staff.

The visual inspection was completed. We later came back out to see the drums that had been removed from the hot box before they were placed in the dumpster for disposal as non-hazardous wastes.

Records Review

We requested records related to the following: the operating permit for the thermal vapor incinerator; temperature operating records for the thermal vapor incinerator; design basis for the thermal vapor incinerator; the records related to shutdowns of the thermal vapor incinerator, and use of the alternative control device; records related to enclosure (procedure T) calculations for the hot box; copies of process flow diagrams for the facility; copies of manifests for shipments of gelled resins; records regarding connection of the hot box to the thermal vapor incinerator; records of inspections related to the closed vent system; records of treatment regarding the waste resin.

We reviewed the operating permit for the vapor incinerator. The design is based upon a 1 second retention at a minimum temperature of 1400 degrees F. This is consistent with RCRA requirements found at 40 CFR 265.1088. The vapor incinerator operating/shutdown log was reviewed for 1999. The unit has been operating for all but about 47 hours, during which time the alternate control device has been operating. A copy of the records will be sent. There is no flow meter from the hot box to the vapor incinerator, so there are no flow records. The temperature strip charts were made available and some were reviewed for the 1999 period. No problems with the records were observed. There are no procedure T calculations. The facility will pull out the design basis of the vapor incinerator and send it. Copies of flow diagrams, the permit and other requested records will also be sent under separate cover. There have been no inspections of the closed vents system, so there are no records. There are also no records of resin waste treatment. The only records related to that would be reflected in either manifests for treated waste for off-site disposal, or manifests for waste which was not treated which were sent off-site as hazardous waste. It was recommended that a log for resin waste treatment be created.

A list of records requested to be sent under separate cover was generated. Sheri Petersen subsequently sent the records under cover letter dated November 24, 1999. See Attachment 6.

Post-inspection interview

The following findings/deficiencies/violations were brought to the attention of facility personnel.

1. Subparts AA and BB of 40 CFR Part 265 do not appear applicable.
2. Subpart CC of 40 CFR Part 265 applies, as the facility manages

waste subject to Level 1 container standards, and treats waste subject to Level 3 container standards found at 40 CFR 265.1087.

3. The facility was in violation of container standards found at Minnesota rule 7045.0292, Accumulation of Hazardous Waste, Subpart 8, Satellite accumulation as follows: (a) A satellite accumulation container (5 gallon pail) at the south drumming station was open and unlabeled; (b) a satellite accumulation container (55 gallon drum) was open and unlabeled at the Thin Tank area; (c) a satellite accumulation container (55 gallon drum) of waste resin material inside the building adjacent to Kettle #2 was open and unlabeled.

4. Outside the process building in front of the hot box, there were 14 containers (55 gallon drums) of hazardous waste resin awaiting treatment in the hot box. The facility was in violation of container standards found at Minnesota rule 7045.0292, Accumulation of Hazardous Waste, Subpart 1, Large quantity generators, as follows: (a) None of the containers were labeled with the words "hazardous waste", and only 2 had any date on the drum, although it was not clear for the markings whether or not the dates shown were accumulation start dates; (b) the containers contained free liquids and were being stored outside in an uncurbed area.

5. Relating to the same 14 drums located outside the process building in front of the hot box, the facility was in violation of container standards found at Minnesota rule 7045.0626 Use and Management of Containers, Subpart 4, Management of containers, in that 12 of the 14 containers were open in some fashion (at least a bung open), and the waste was not being treated at the time.

6. 40 C.F.R. Part 265, Subpart CC became effective on December 6, 1996 for large quantity generators of hazardous waste. Minnesota is not yet authorized for Subpart CC; as such, the federal regulations apply. The following violations were noted:

A. Treatment in containers is subject to container Level 3 controls as specified at 40 CFR 265.1087(e). The facility adds treatment chemicals and mixes the chemicals before placing the drums within the enclosure which has air emission controls. Treatment in containers without air emission controls is prohibited by 40 C.F.R. 265.1087(b).

B. We were verbally told that the hot box was routed to the thermal oxidizer in about October 1998, whereas Subpart CC required air emission controls during treatment beginning December 6, 1996. Air emission controls during resin treatment appeared to have been applied 22 months late. (Interplastic's subsequent letter dated 11/24/99 states that the hot box was

connected to the thermal oxidizer in the early 1990's.)

C. 40 C.F.R. 265.1088 provides standards for closed vent systems, and requires that closed vent systems be designed in accordance with 40 C.F.R. 265.1033(j) and inspected and monitored in accordance with 40 C.F.R. 265.1033(k). If the system is designed to operate under negative pressure, then at least one pressure gage is required based on 40 C.F.R. 265.1033(j). Interplastic has no pressure gage on its closed vent system. Inspections are required initially and annually of the closed vent system, to ensure there are no leaks. Interplastic has not conducted any inspections of the closed vent system in 1996, 1997, 1998 or 1999 in violation of 40 C.F.R. 265.1088.

D. 40 C.F.R. 265.1087(e) specifies that all treatment occurring in an enclosure must be conducted in an enclosure which meets the requirements of a permanent or temporary total enclosure as specified at 40 C.F.R. 52.741, Appendix B. The owner is also required to perform a verification that said enclosure meets the requirements initially and annually. Interplastic has not conducted any enclosure verifications for the hot box in 1996, 1997, 1998 or 1999.

E. Interplastic is not maintaining the records required by 40 C.F.R. 265.1090(d) or (e) for Subpart CC level 3 controls.

Additional comments/concerns

1. Facility representatives were provided with a copy of a U.S. EPA guidance document with respect to compliance assistance on Subpart CC, so that they could clearly understand what the requirements were, and what they had to do to comply.

2. Facility representatives were provided with a copy of a U.S. EPA handout for small businesses. Ms. Petersen advised that Interplastic is not a small business.

3. The facility is using sloppy management practices with respect to its handling of raw materials or products which contain volatile organics. In particular, the following conditions were noted: (a) the drum fill areas are covered with drippage which should be cleaned off; (b) a used acetone container in the lab should have a gasketed lid, as the smell of acetone in the lab was present, which may present a health hazard; (c) there were open 5 gallon pails of liquid product both below the kettle area and on the top floor of the kettle area; (d) there were 2 open pails of kettle solids (product) in the kettle solids loading area; (e) there was an open product container in the R&D pilot

plant area; and (f) there were various open drums of product throughout the plant. Each of these open pails, drums is a possible source of unnecessary fugitive emissions.

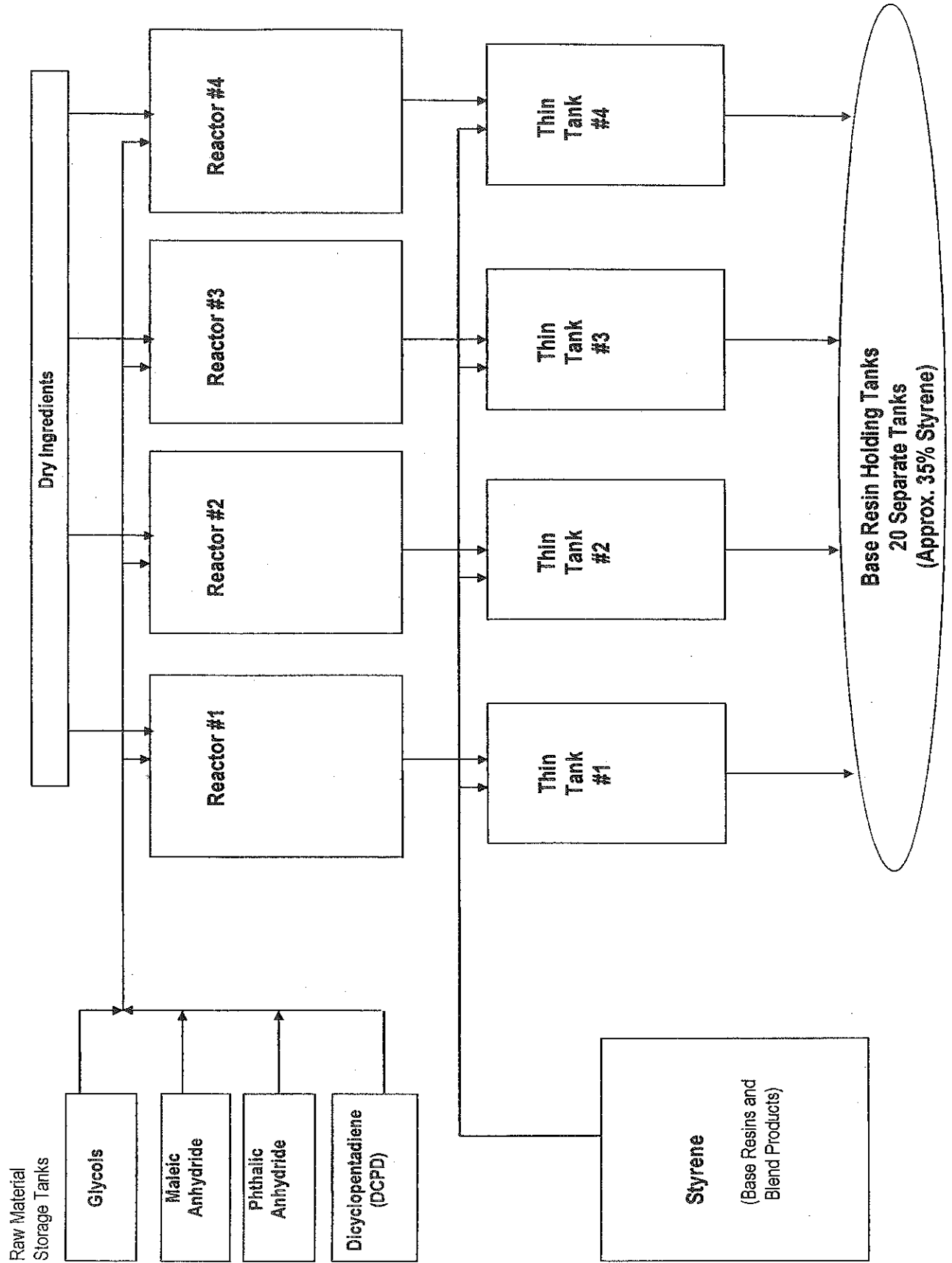
4. There were 4 drums of propylene glycol in the kettle loading area with spillage/cleanup material adjacent to the drums. These type of raw material spills should be promptly cleaned up.

5. It was recommended that Interplastic create and maintain a log that documents the treatment of waste resins in the hot box.

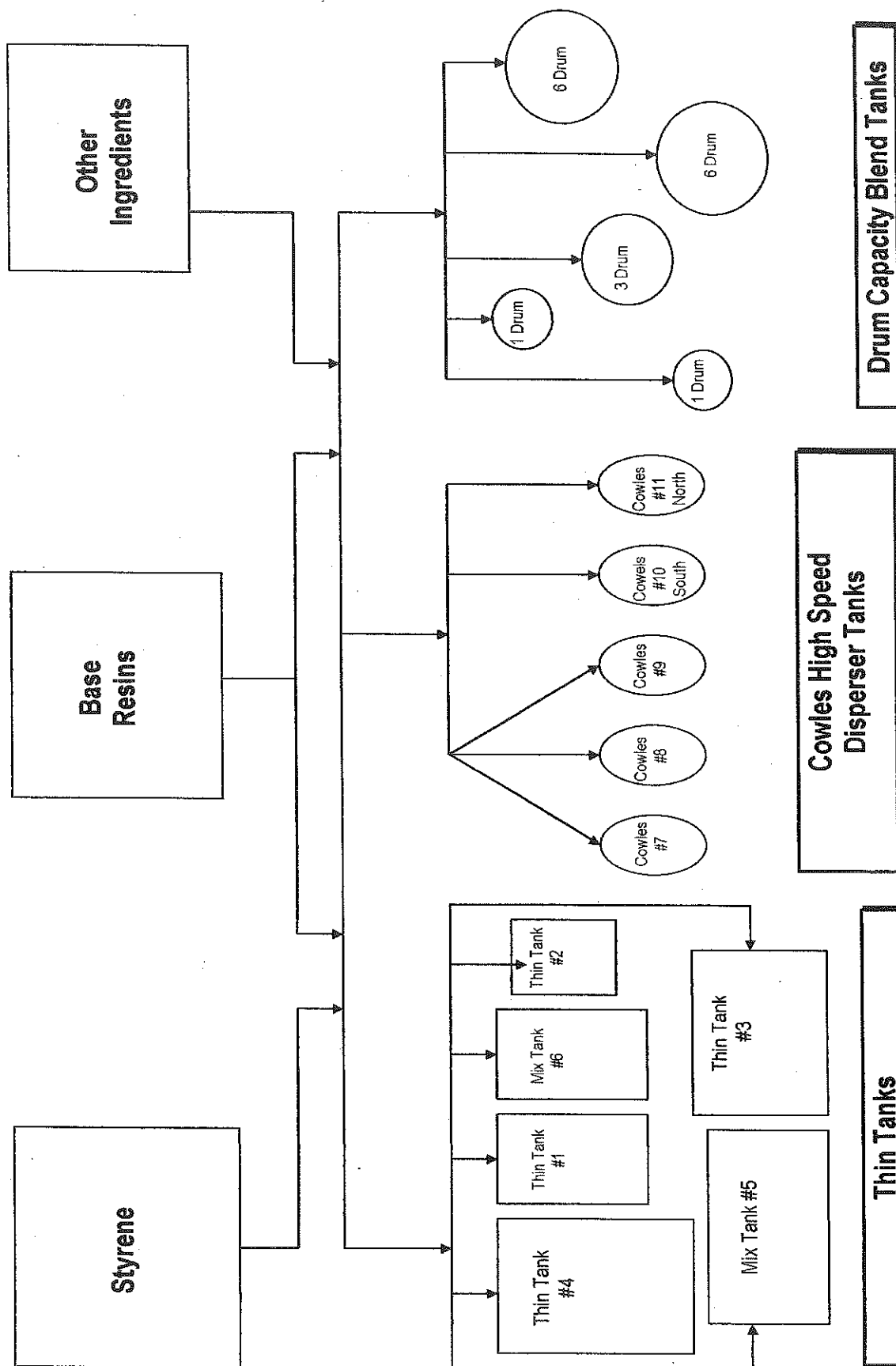
Attachments

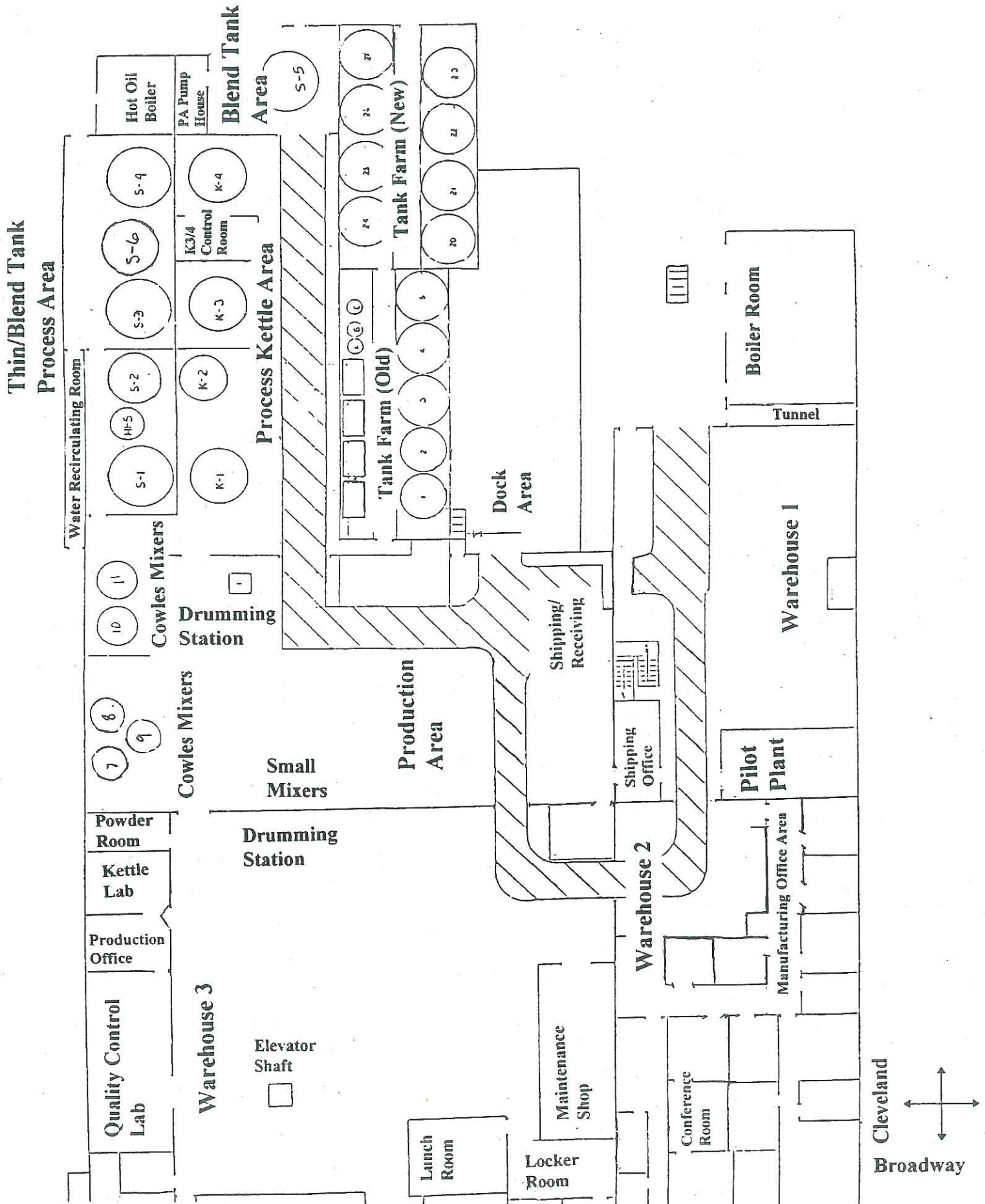
1. Schematic of the base resin manufacturing process conducted at Interplastic.
2. Schematic of the blend product manufacturing process conducted at Interplastic.
3. Schematic of the resin manufacturing plant layout
4. Photo log & photos taken during inspection
5. Schematic showing the drum locations and closure status of each for drums awaiting treatment in the hot box.
6. Copy of letter sent to USEPA from Interplastic transmitting records requested during the inspection.

Base Resin Production (900+ Separate Batches of 40-50 Formulas per Year with Yields from 85-95%)



Blend Production





ATTACHMENT 4 TO U.S. EPA INSPECTION REPORT

LOG OF PHOTOGRAPHS TAKEN AT INTERPLASTIC CORPORATION
AND PHOTOGRAPHS TAKEN 11/16/99

All photographs taken with Pentax autofocus, autoflash camera, with 200 ASA film by Dan Chachakis, U.S. EPA, as directed by Michael Mikulka, U.S. EPA

#1 – View of drum fill area #1 (also known as south drumming station)

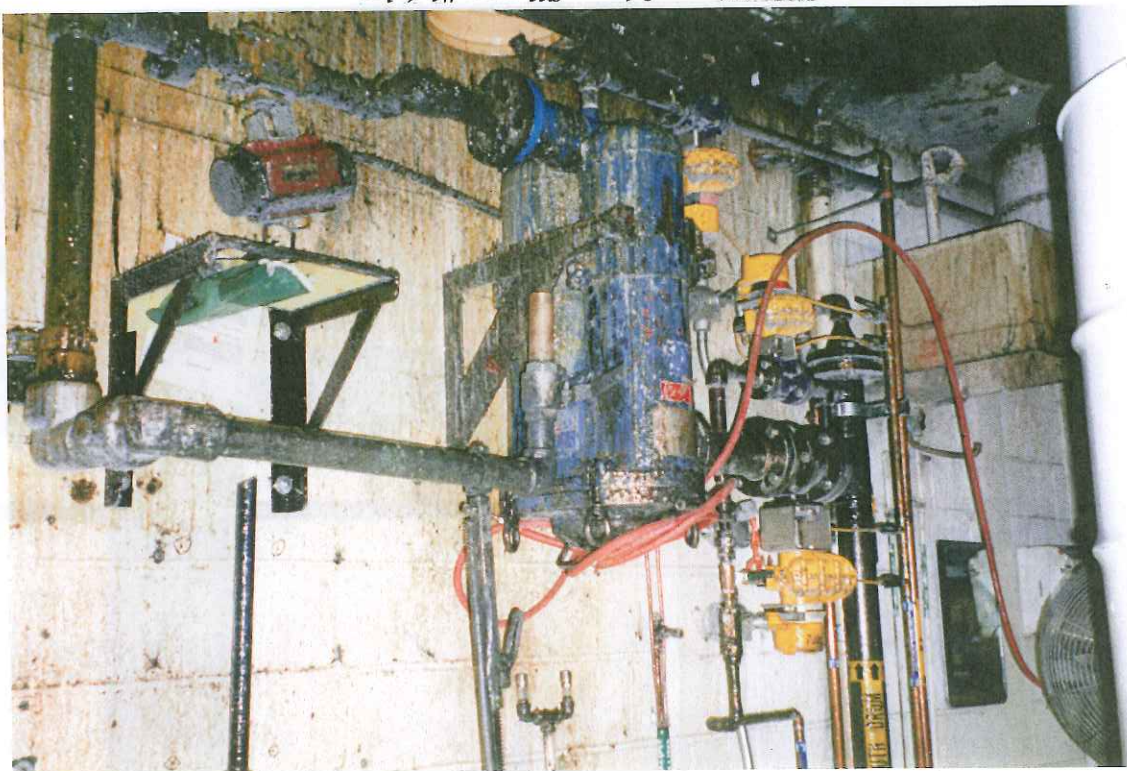
#2 – View of feed end of thermal oxidizer

#3 – View of outlet end of thermal oxidizer

#4 – Thermal oxidizer and associated equipment

#5 – View of hot box with 14 drums of hazardous waste in area in front of hot box

#6 – Another view of hot box with 14 drums of hazardous waste to be treated in hot box



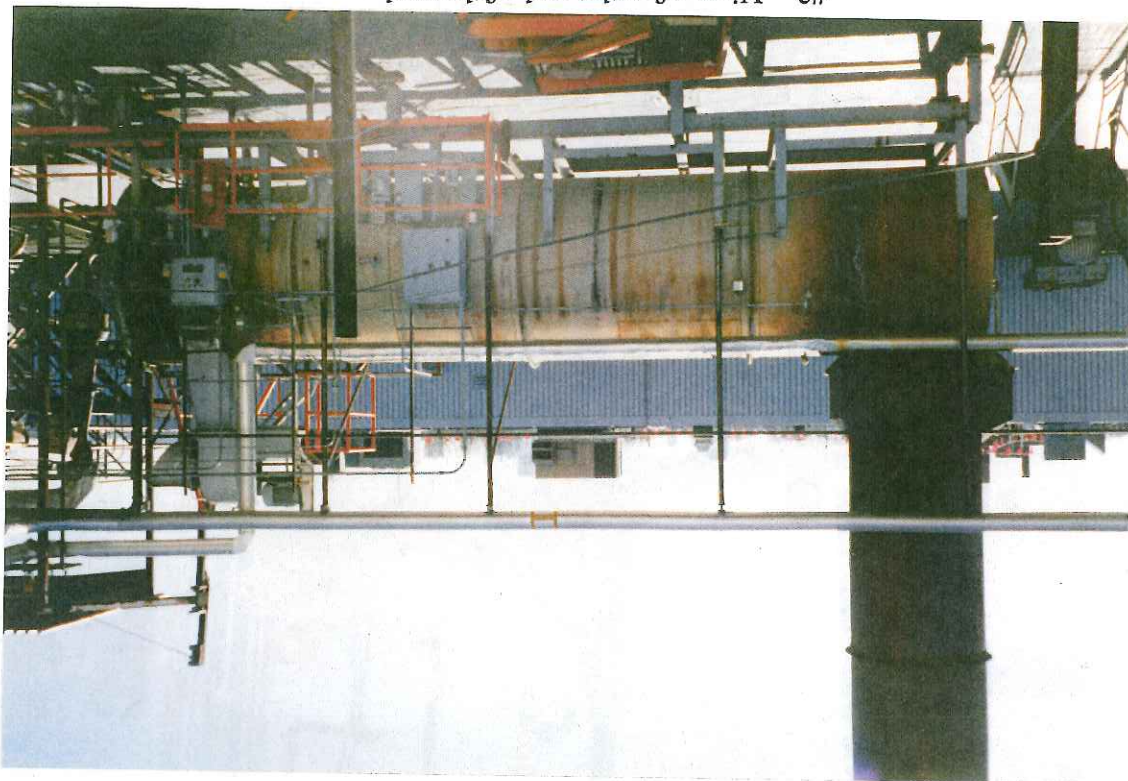
#1 - View of drum fill area #1 (also known as south drumming station)

Interplastic Corp. 11/16/99
Dan Chachakis, U.S. EPA



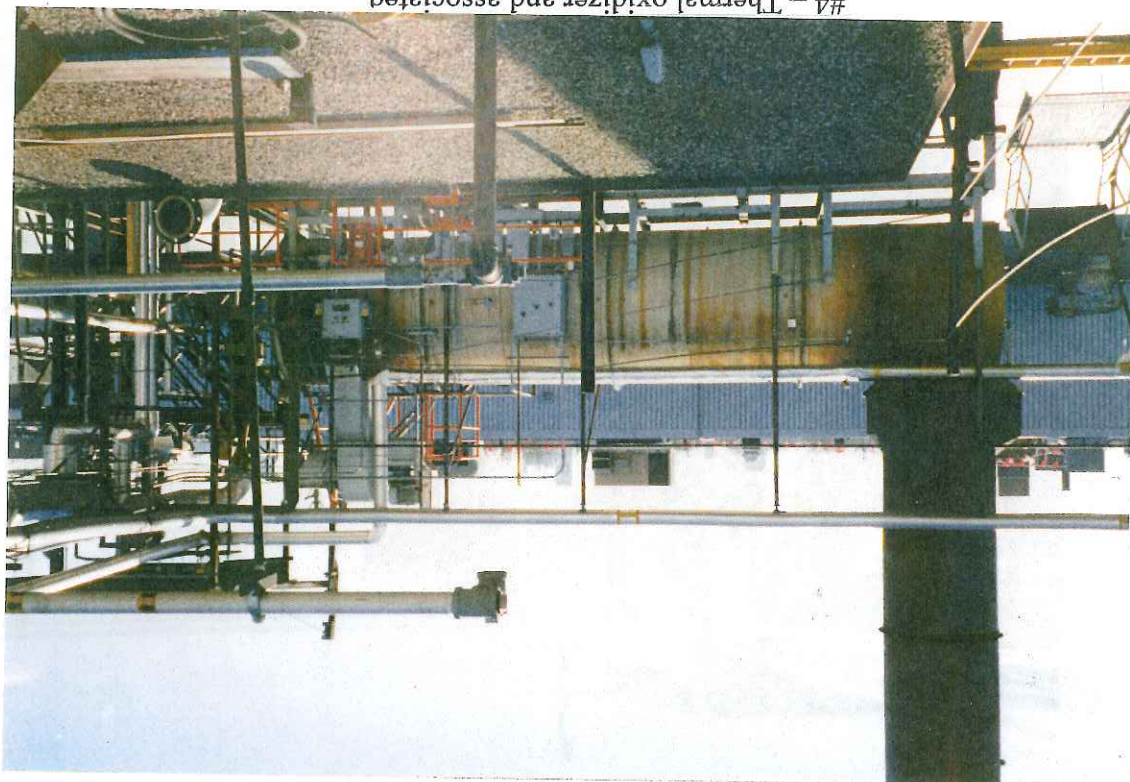
#2 - View of feed end of thermal oxidizer

Interplastic Corp. 11/16/99
Dan Chachakis, U.S. EPA



#3 – View of outlet end of thermal oxidizer

Interplastic Corp. 11/16/99
Dan Chachakis, U.S. EPA



#4 – Thermal oxidizer and associated equipment

Interplastic Corp. 11/16/99
Dan Chachakis, U.S. EPA

#5 - View of hot box with drums of hazardous waste in area in front of hot box
 Interplastic Corp. 11/16/99
 Dan Chachakis, U.S. EPA

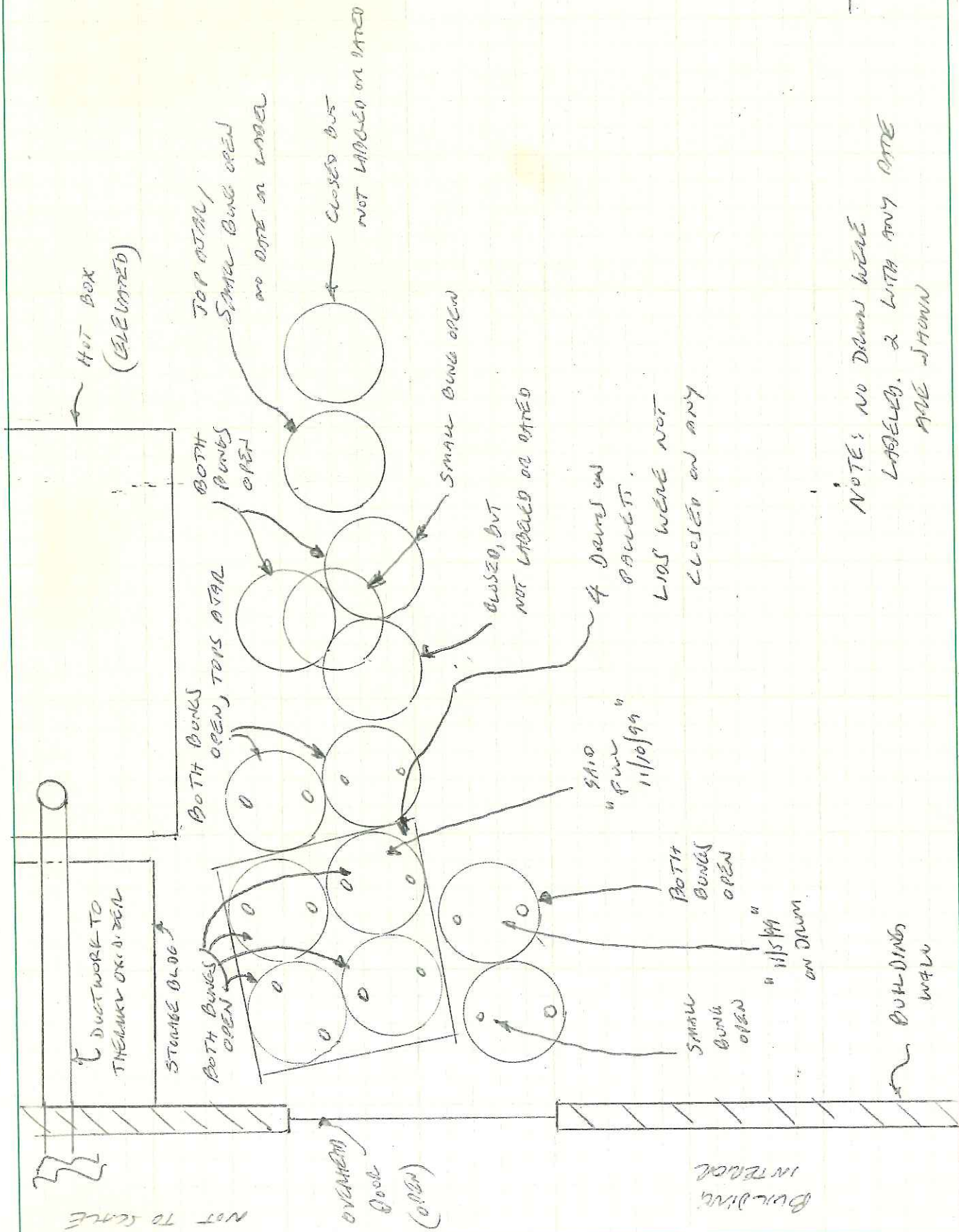


#6 - Another view of hot box with drums of hazardous waste to be treated in hot box
 Interplastic Corp. 11/16/99
 Dan Chachakis, U.S. EPA



N

NOTE: NO DRAWN WARE
LABELS. & WITH ANY
ONE SHOWN



| | | |
|--------|----------------------|----------|
| 13-792 | 500 SHEETS, FILLER | 5 SQUARE |
| 42-381 | 50 SHEETS EYE-EASE® | 5 SQUARE |
| 42-382 | 100 SHEETS EYE-EASE® | 5 SQUARE |
| 42-383 | 200 SHEETS EYE-EASE® | 5 SQUARE |
| 42-392 | 100 RECYCLED WHITE | 5 SQUARE |
| 42-399 | 200 RECYCLED WHITE | 5 SQUARE |

Made in U.S.A.





INTERPLASTIC CORPORATION
Thermoset Resins Division
2015 NE Broadway Street
Minneapolis, Minnesota 55413
(651) 483-0222 Fax (612) 331-4235

November 24, 1999

Michael J. Mikulka, P.E.
Senior Environmental Engineer
US Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604
(312) 886-6760

US Mail: November 24, 1999

RE: 11/16/99 Site Visit at Interplastic Corporation, 2015 NE Broadway St., Mpls, MN 55413

Dear Mr. Mikulka,

At your November 16, 1999 site visit to our facility, you requested the following documentation:

- 1) General overheads summarizing plant operations (our standard intro to the plant overheads)
- 2) The Hirt TO Process Schematic and the current TO P&ID.
- 3) Non-hazardous waste manifests for gelled unsaturated polyester resin from 12-06-96 to present.
- 4) Hirt TO breakdown shutdown records/log for 1999.
- 5) A copy of the current Hirt TO permit.

These materials are enclosed for your review. In addition you also requested the following information:

- 1) Records of when exactly the hotbox was connected to the thermal oxidizer (required 12-06-96)
- 2) Status of "Reactor distillate" waste listed in the 1993 Contingency Plan with waste codes F002, F005, D001, and D002.

To the best of Mr. Hoffman's recollection, the hot box was connected to the thermal oxidizer sometime in the early 1990's, as a means of minimizing odors from this facility. Also please note that there was no hotbox operating from October 1997 through April 1998. This is because the box was replaced, moved to a new location, and was included in our Title V Permit application.

You also requested information regarding a "reactor distillate" waste noted in the 1993 Contingency Plan. Gary Severson and I have reviewed plant manufacturing operations and the 1997, 1998, and 1999 Contingency Plans and there is no reference or information regarding this material.

I believe the information provided completes the request you made for records and information at the November 16, 1999 site visit. Please let Mr. Hoffman, Gary Severson, or myself know if you need additional information or have any questions.

Sincerely,

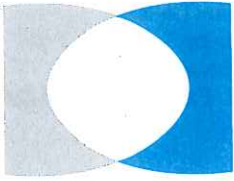
Sheri L. Peterson
Site Manager-Health, Safety, Environment and Quality, Minneapolis Plant
99SP196

Copy: Robert C. Hoffman, Corporate Environmental Officer, Interplastic Corporation
Gary Severson, Plant Manager, Minneapolis Plant

RECEIVED
NOV 30 1999

Enforcement & Compliance Assurance Branch
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

Attachment 6



Robert C. Hoffman
Director - HSEQ
Corporate Environmental Officer

INTERPLASTIC CORPORATION

1225 Willow Lake Boulevard
Saint Paul, Minnesota 55110-5145
(651) 481-6863 Fax (651) 481-9836

March 10, 2000

Ms. Lorna Jereza, Chief
Compliance Section 1
U.S. EPA, Region 5
Enforcement & Compliance Assurance Branch (DE-9J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

RECEIVED
MAR 13 2000

Enforcement & Compliance Assurance Branch
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

RE: Notice Of Violation and Request for Information
Interplastic Corporation
EPA ID No.: MND 006 151 336

Dear Ms. Jereza:

Enclosed is Interplastic Corporation's Response to EPA's Request for Information pursuant to RCRA § 3007. If you have any questions, please contact me.

Sincerely,


Robert C. Hoffman

RCH/kjp
Enclosure

cc: James D. Wallenfelsz
Ivan M. Levy
John D. Wallenfelsz

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

| | |
|---|---|
| INTERPLASTIC CORPORATION 2015 Broadway Street Northeast Minneapolis, Minnesota 55413 | RESPONSE TO EPA'S REQUEST FOR INFORMATION [Pursuant to RCRA § 3007] |
|---|---|

On November 16, 1999, representatives of the United States Environmental Protection Agency (**EPA**) and Hennepin County conducted a Compliance Evaluation Inspection (**Inspection**) of the Interplastic Corporation (**Interplastic** or **Company**) manufacturing plant at 2015 Broadway Street Northeast in Minneapolis (**Facility**).

On January 28, 2000, the EPA sent a Notice of Violation (**NOV**) and Request for Information (**RFI**) to the Company in connection with that Inspection. The RFI was issued to Interplastic pursuant to § 3007 of the Resource Conservation and Recovery Act (**RCRA**), as amended, 42 USC §§ 6901 et seq.

The Company was required to respond, with extensions, no later than March 10, 2000. Interplastic hereby responds to the RFI as follows:

1. EFFORTS TAKEN IN RESPONSE TO THE NOV

State the specific efforts Interplastic has taken, or plans to take, to correct each violation described in the NOV.

RESPONSE

The NOV identified three categories of issues that require corrective action by the Company:

- *Identify all Hazardous Waste Containers.* Interplastic is aware that all hazardous waste containers at the Facility must be properly identified. We have re-emphasized this RCRA requirement to each manufacturing employee at the Facility.
- *Close all Hazardous Waste Containers.* The Company is also aware of the "closed drum requirement." In most instances, this can also be accomplished easily, and we have re-emphasized this RCRA requirement (bungs must be replaced, etc.) to each manufacturing employee at the Facility. However, in other circumstances, the operators must be able to access the drum. We need to develop a method, which accomplishes that — yet makes sure the drums are closed when they are not in use. This issue will be resolved within 30 days.

- *Hot Box.* The "hot box" is connected to a pollution control device that has a well-documented inspection and maintenance program. But inspections of the hot box itself have not been well documented. This has been corrected.

2. SATELLITE ACCUMULATION CONTAINER [PAIL NEAR THE DRUMMING STATION]

During the Inspection, the EPA observed a satellite accumulation container (5-gallon pail) near the south drumming station.

- Identify the material contained in the container.*
- Why was the container open during the inspection?*
- Why was the container not labeled as hazardous waste?*
- On what date did the waste first begin to be accumulated in the container?*
- On what date was the container labeled as hazardous waste?*
- When was the container closed?*

RESPONSE

- The material in the 5-gallon pail was acetone. Interplastic uses acetone at this Facility as both a raw material and cleaning agent. The acetone in this 5-gallon pail is used to clean equipment used in the manufacturing process. Once this material reaches the point that it can no longer be used for cleaning, it will be classified as a hazardous waste, assigned a D001 and F003 waste code, and then accumulated in a 55-gallon waste acetone drum. This waste stream is then managed as a raw material for a select group of finished resin products.
- The container should not have been open. It was left open as an oversight by one of the production personnel. The requirement to keep containers closed is emphasized as part of our safety program training. It was re-emphasized at the November 1999 safety training.
- This pail did not contain "hazardous waste." The acetone had not reached a condition that would cause us to classify this material as a waste. It was still suitable for further cleaning (and, in fact, the Facility did use this acetone for additional cleaning subsequent to the date of the Inspection).
- The acetone was still usable. It was not a "waste" at that time. Please refer to our Response to ¶ 1(C) above.
- Please refer to our Response to ¶ 2(D) above.
- The container was closed in EPA's presence during the Inspection.

3. SATELLITE ACCUMULATION CONTAINER [DRUM NEAR THE THIN TANKS]

During the Inspection, the EPA observed a satellite accumulation container (55-gallon drum) near the Thin Tank area.

- A. *Identify the material contained in the container.*
- B. *Why was the container open during the inspection?*
- C. *Why was the container not labeled as hazardous waste?*
- D. *On what date did the waste first begin to be accumulated in the container?*
- E. *On what date was the container labeled as hazardous waste?*
- F. *When was the container closed?*

RESPONSE

- A. The 55-gallon drum in the thin tank area contained filter bags and filter dregs. This waste stream is a D001 waste because the styrene component of our product is flammable.
- B. The container usually is closed. However, it is frequently opened to add waste material from the filtering of our final product, and it was apparently left open this time. Although the Facility trains its operators that this container must be closed, 100% compliance has obviously not been obtained. The requirement has been re-emphasized.
- C. This drum did contain "hazardous waste." The container should have been labeled as such.
- D. The accumulation date is estimated to be approximately November 13 or 14, 1999.
- E. The drum was labeled as hazardous waste the next day after the Inspection.
- F. The container was closed in EPA's presence during the Inspection.

4. SATELLITE ACCUMULATION CONTAINER [DRUM NEAR KETTLE #2]

During the Inspection, the EPA observed a satellite accumulation container (55-gallon drum) near Kettle #2.

- A. *Identify the material contained in the container.*
- B. *Why was the container open during the inspection?*
- C. *Why was the container not labeled as hazardous waste?*
- D. *On what date did the waste first begin to be accumulated in the container?*

- E. On what date was the container labeled as hazardous waste?
- F. When was the container closed?

RESPONSE

The Company's notes taken during the inspection do not indicate that there was any drum under Kettle 2. But generally speaking, if any drums were in this area, they would contain a non-styrenated alkyd resin — which is neither a "waste" nor a "hazardous material" (because alkyd resins are not "hazardous").

5. SATELLITE ACCUMULATION CONTAINER [DRUMS NEAR THE HOTBOX]

During the Inspection, the EPA also noticed observed satellite accumulation containers (55-gallon drums) in front of the hot box. Each of the drums contained hazardous waste.

- A. On what date were the containers placed in that location?
- B. Identify the material contained in the containers.
- C. Why were the containers open during the inspection?
- D. Why were the containers not labeled as hazardous waste?
- E. On what date did the waste first begin to be accumulated in the containers?
- F. On what date were the containers labeled as hazardous waste?
- G. Were each of the containers treated in the hot box? If so, when was the treatment completed? If not, specify the treatment dates.
- H. Provide copies of the manifests or bills of lading for any containers shipped offsite.
- I. Did the containers contain free liquids?
- J. Describe the containment surface in front of the hot box.
- K. Is the area in front of the hot box curbed or does it have secondary containment?
- L. Does the Company intend to install an impermeable coating and/or secondary containment in front of hot box?

RESPONSE

- A. The bulk of the drums placed in this area came from an inventory review where it had been determined that the resin in the drums had exceeded its shelf life and begun to polymerize. An educated guess indicates the drums had been at this location for approximately five days.
- B. Some of the drums contained filter drainings and resin saturated filter bags from our final product filtering process. A majority of the drums contained unsaturated

polyester resin that, in this case, had exceeded its shelf life and begun to polymerize on their own. All of this material would be classified as a D001 waste.

- C. The drums had been opened for inspection to determine whether they contained recyclable material. The inspection indicated the material was not suitable for recycling, so the drums were staged at the hot box. Although they should have been resealed at the time, they were not. Interplastic continues to educate the manufacturing personnel at the Facility of this requirement. We have since documented that this area is inspected regularly.
- D. The drums should have been labeled as "hazardous waste."
- E. As stated in our response to ¶ 5(C) above, it is difficult to determine exactly when the material became a waste. Probably no more than 5 to 10 days.
- F. Each of the containers was labeled as a hazardous waste while the EPA was still at the facility.
- G. The drums are typically cycled through the hot box over a 7 to 10 day period, with two of the four pallets containing four drums each removed for final inspection and disposal (however, on this occasion, all fourteen drums were placed in the hot box at the same time). The drums are removed from the hot box approximately 10 days later. Each drum is then inspected. The solidified resin is then discarded in a specially designated roll-off dumpster as the production schedule allows.
- H. The requested manifests are enclosed as Exhibit 1.
- I. The drums contained free liquids that are a combination of water and some styrene.
- J. As EPA observed during its Inspection, the area in front of the hot box — as well as the entire yard area — is covered by a concrete cap that is able to support heavy truck traffic. The cap is designed to prevent any percolation of organic material into the soil.
- K. As EPA also observed during its Inspection, the entire yard area is designed to drain to a collection point in the west center of the yard. This collection point has a valved drain that leads to the city storm water system. This entire area acts as a secondary containment system for the Facility.
- L. Please refer to our response to ¶¶ 5(J) and 5(K) above.

6. TREATMENT PLAN FOR WASTE RESIN [SUBMITTED NOVEMBER 10, 1998]

On November 10, 1998, Interplastic submitted a treatment plan for the curing of waste resin (**Plan**) to the Minnesota Pollution Control Agency (**MPCA**).

- A. *Is this the most current plan for the curing of waste resin?*
- B. *Was the Plan ever approved by the MPCA?*
- C. *Provide additional detail regarding the location and procedure where catalyst is added to the waste drums, and how the catalyst is mixed into the waste:*
 - *Is it added in the location where the drums were located during the inspection?*
 - *When adding/mixing catalyst is any air emission controls utilized?*
 - *Length of time from opening of the drums for adding/mixing catalyst to placement of the drums in the hot box?*
 - *Submit any emission estimates, if any, from the time drum is opened until it is place in the hot box.*
 - *Submit any emission estimates, if any, from the time drum is opened until treatment is completed.*

RESPONSE

- A. The Plan submitted to the MPCA on November 10, 1998, is the most recently promulgated version. It should be noted, however, that this Facility has not conducted any organic peroxide catalyzation of waste resin material for approximately two years. Our Plan needs to be modified to reflect that change.
- B. There has never been a formal approval of our disposal plan by the MPCA.
- C. As stated in our response to ¶ 6(A) above, our Facility no longer catalyzes the resin; it uses the heat of the hot box to cure the resin.

7. HOT BOX [PERMANENT TOTAL ENCLOSURE — REQUIREMENT]

Did the Company verify that the hot box enclosure meets the criteria for a permanent total enclosure per 40 CFR § 265.1087(e)(2)(I)?

RESPONSE:

Interplastic has not verified in a quantitative fashion that the hot box meets the requirements of 40 CFR § 265.1087(e)(2)(I).

8. HOT BOX [PERMANENT TOTAL ENCLOSURE — DOCUMENTATION]

Provide any and all documentation since December 6, 1996, wherein Interplastic verified that the hot box enclosure meets the criteria for a permanent total enclosure specified in 40 CFR § 265.1087(e)(2)(I).

RESPONSE:

The Facility has not maintained records to verify that the hot box enclosure meets the criteria for permanent total enclosure.

9. CLOSED VENT SYSTEM [NEGATIVE PRESSURE]

Does the closed vent system from the hot box to the thermal oxidizer operate under negative pressure? If so, is a pressure gage installed anywhere in the closed vent system?

RESPONSE:

The vent line from the hot box to the thermal oxidizer is under a slight negative pressure. A pressure gauge has been installed in the vent line as required. However, the Company does need some refinements on the present system to ensure and document that the Facility maintains a negative pressure in the system.

10. CLOSED VENT SYSTEM [LEAK INSPECTION]

Has the Company inspected the closed vent system for leaks at any time prior to or after December 6, 1996?

RESPONSE:

Interplastic has inspected the vent system from each emission point to the thermal oxidizer as part of its efforts to minimize odor emissions from this Facility. However, we have not documented any of those inspections.

11. HAZARDOUS WASTE AIR EMISSION CONTROLS [INSPECTION PLAN]

Does the Company have an inspection plan for its air emission controls at the Facility, as required by 40 CFR § 265.1089? If so, please submit a copy.

RESPONSE:

The Facility maintains a preventative maintenance program on the thermal oxidizer. A copy of this program is enclosed as Exhibit 2.

12. EMISSION STANDARDS FOR TANKS AND CONTAINERS [RECORDKEEPING]

Does the Company have any records as required by 40 CFR § 265.1090(a), (d) and (e)? If so, submit copies of records since December 6, 1996.

RESPONSE:

After extensive discussion with the MPCA, we reached an understanding that this Facility would use the AP 42 factor of 0.03 VOC em ton for each ton of resin that is processed. That factor was derived from AP-42 (5th ed., USEPA, January 1995), *Uncontrolled Polyester Resin Product Fabrication, Closed Molding Process*, Table 4.4-2, at Page 4.4-7.

13. EMISSION STANDARDS FOR TANKS AND CONTAINERS [REQUIREMENTS]

Specify and describe all waste management units that Interplastic considers exempt from the air emission standards at 40 CFR §§ 265.1085 through 265.1088. Submit all tests, documents, and calculations in support of any exemption.

RESPONSE:

Interplastic does not operate any waste management units at the facility, which is exempt from the air emissions standard contained in 40 CFR §§ 265.1085 through 265.1088.

14. HAZARDOUS WASTE GENERATION [ANNUAL REPORTS]

Submit a copy of the annual reports on hazardous waste generation prepared for calendar years 1996, 1997, 1998, and 1999.

RESPONSE:

The requested hazardous waste generation reports for this Facility are enclosed as Exhibit 3.

15. NOTARIZED CERTIFICATION [OF THE RESPONSE TO THIS RFI]

Provide a notarized certification of Interplastic's response to this RFI from a responsible Company officer (that contains the language set forth in the RFI).

RESPONSE:

The requested Certification is set forth on the following page.

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

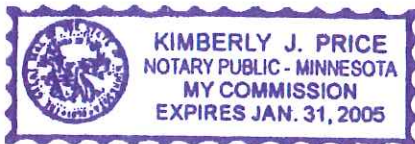
INTERPLASTIC CORPORATION

By: Robert C. Hoffman
Robert C. Hoffman

Its: Chief Environmental Officer

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

On March 10, 2000, Robert C. Hoffman, to me personally known, appeared before me and (i) identified himself as the Chief Environmental Officer of Interplastic Corporation; (ii) stated that he had read the annexed Certification; and (iii) thereafter executed that Certification on behalf of said corporation as his free act and deed.



Kimberly J. Price
Notary Public



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 377337

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: INTER PLASTIC CORP
c. Address: 2015 BRADDOCK AVE
Mpls, MN 55413
e. Phone No.: 651-481-6860
If owner of the generating facility differs from the generator, provide:

b. Generating Location: SPRUE
d. Address: _____

f. Phone No.: _____

h. Owner's Phone No.: _____

1. BFI WASTE CODE

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| M | N | 3 | 4 | 9 | 9 | 6 | 0 | 5 | 2 | 2 |
|---|---|---|---|---|---|---|---|---|---|---|

i. Description of Waste: Gelbed Unsaturated

k. Quantity

| | | | | |
|---|---|---|---|---|
| 4 | 4 | 2 | 2 | 6 |
|---|---|---|---|---|

Containers

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 4 | 2 | 0 | 4 | 2 | 4 | 0 | Y | M |
|---|---|---|---|---|---|---|---|---|

UNITS TYPE
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Signature: CARLE STEVENSON
Generator Authorized Agent Name

Signature: 11209999
Shipment Date

Section II

TRANSPORTER (Generator completes a-d; Transporter I completes e-g; Transporter II completes h-i)

TRANSPORTER I

a. Name: BFI
b. Address: Eden Prairie, MN.

c. Driver Name/Title: KEITH WHEAT
d. Phone No.: _____
e. Truck No.: 465

f. Vehicle License No./State: YM 97780 MN.
Acknowledgement of Receipt of Materials.

g. Driver Signature: Keith Wheat
Shipment Date

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 0 | 9 | 9 | 9 |
|---|---|---|---|---|---|

Section III

DESTINATION (Generator completes a-d; destination site completes e-f)

PINE BEND LANDFILL, INC.

2495 E. 117TH ST.

INVER GROVE HEIGHTS, MN 55077

c. Phone No.: 612-457-2778

d. Mailing Address: same

h. Name: _____
i. Address: _____

j. Driver Name/Title: _____
k. Phone No.: _____
l. Truck No.: _____

m. Vehicle License No./State: _____
Acknowledgement of Receipt of Materials.

n. Driver Signature: _____
Shipment Date

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

1. Name of Authorized Agent

Signature

Receipt Date

Section IV

ASBESTOS (Generator completes a-d; i, g. Operator completes e.)

a. Operator's Name:

b. Operator's Phone No.:

c. Or if's Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:

Print/Type

f. Name and Address

Operator's Signature

Date

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both _____ % friable _____ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

REORDER ONLY THROUGH BFI/VARCO CONTRACT

RETURN TO GENERATOR



260-7208 5/93

1.0 PURPOSE

- 1.1 This work instruction outlines the action required for operation and maintenance of pollution control equipment. This currently includes the Hirt Thermal Oxidizer and the Pollution Control Scrubber System.

2.0 SCOPE

- 2.1 This work instruction describes the steps to be taken for standard start-up/ shutdown and immediate start-up of the Hirt Thermal Oxidizer and Pollution Control Scrubber System, and notification of breakdowns and shutdowns to the corporate Director-HSEQ. Also included is required equipment maintenance.

3.0 REASON FOR CHANGE(S) (For this revision only)

- 3.1 Clarified terms in work instruction and expanded notification section by adding 5.2.1.1.

4.0 DEFINITIONS OF TERMS

- 4.1 Breakdown: A term used in this instruction to describe a breakdown of the oxidizer which causes an increase in the emissions of any regulated air pollutant.
- 4.2 Unplanned Shutdown: A term used in this instruction to an unplanned shutdown of the oxidizer which causes an increase in the emissions of any regulated air pollutant.
- 4.3 Planned Shutdown: A term used for this instruction to describe a planned shutdown of the oxidizer which does not result in an increase in the emissions of any regulated air pollutant.

5.0 GENERAL REQUIREMENTS

- 5.1 Manufacturing personnel
 - 5.1.1 Manufacturing personnel, typically the kettle operator or shift supervisor on duty, are responsible for notifying the shift supervisor whenever there is a pollution control equipment breakdown.

5.0 GENERAL REQUIREMENTS (continued)

- 5.1.2 The kettle operator, shift supervisor on duty, or their designate, is responsible for continuous monitoring of the pollution control equipment using the process computer and alarm system during manufacturing hours of operation.
- 5.1.3 The Hirt thermal oxidizer is continuously monitored for temperature, flame arrester pressure, damper actuator position, damper pressure, line vacuum/pressure, and blower vibration.
 - 5.1.3.1 Computer program controls include automatic shut-off of the thermal oxidizer when temperatures are <1400 °F and >2300 °F and alarms for high flame arrester pressure, damper pressure, and line vacuum/pressure. If the pressure at the flame arrester exceeds 5 psi, steam is turned on there, if the blower vibration exceeds 8 mils, steam is turned on at the blower, and if the four way valve switches position, the Pollution Control Scrubber System is turned on.

5.2 Shift Supervisor

- 5.2.1 The shift supervisor is responsible for notifying appropriate personnel of pollution control equipment breakdowns, unplanned shutdowns, planned shutdowns and subsequent start-ups. Appropriate personnel may include plant management, maintenance, or the Director-HSEQ.
 - 5.2.1.1 When a regulatory notification is required to the National Response Center, the Minnesota Duty Officer, the Minnesota Pollution Control Agency, the City of Minneapolis or any other regulatory agency, this notification is made by the Site Manager-HSEQ, the Plant Manager, the Director-HSEQ, or their designate. When these individuals are not available, then the notification is performed by the Shift Supervisor on Duty.
- 5.2.2 The shift supervisor is responsible for starting an Environmental Incident form for each pollution control equipment breakdown or unplanned shutdown and routing the form to plant management. Holiday and scheduled maintenance shutdowns when the plant is not in operation are not unplanned shutdowns.

5.3 Maintenance

- 5.3.1 The Maintenance Department is responsible to notify the shift supervisor when an unplanned or planned shutdown is required. The Maintenance Department is also responsible to notify the shift supervisor for all start-ups following breakdowns, unplanned shutdowns, and planned shutdowns.

5.0 GENERAL REQUIREMENTS (continued)

- 5.3.2 The Maintenance Department is responsible for maintaining parts and having trained personnel equipped to maintain and service the pollution control equipment, including the Hirt Thermal Oxidizer temperature chart recorder, in order to minimize downtime during production operations.

5.4 Plant Management

- 5.4.1 Plant management is required to revise this instruction within 60 days of major changes to pollution control equipment such as the addition or removal of equipment or as appropriate to maintain operations.
- 5.4.2 Plant management is responsible to provide for annual training of manufacturing production and maintenance personnel.
- 5.4.3 Plant management is responsible for notifying the Director-HSEQ of all oxidizer breakdowns and unplanned shutdowns.
- 5.4.4 Plant management is responsible for notifying appropriate regulatory agencies of breakdowns and unplanned shutdowns which would cause an increase in the emissions of any regulated air pollutant and subsequent start-ups, carrying out requirements of the current, if any, Air Monitoring Plan, and adhering to air quality permit requirements and regulations.

6.0 FORMS

- 6.1 Environmental Incident Report form.
- 6.2 Interplastic Corporation Hirt Spare Parts List Inventory Form.

7.0 INSTRUCTIONS

- 7.1 See Attachment A for operation of the Hirt Thermal Oxidizer.
- 7.2 The Pollution Control Scrubber System is automatically activated through the Optrol Process Computer System each time a Hirt Thermal Oxidizer breakdown or unplanned shutdown occurs. The unit controls automatically add sufficient water to trap emissions which would otherwise be destroyed by the Hirt Thermal Oxidizer.
 - 7.2.1 If the Pollution Control Scrubber System does not automatically start due to unforeseen circumstances, it is started manually by pushing the start button

located on the unit. The unit can also be stopped manually by pushing the stop button.

7.0 INSTRUCTIONS (continued)

7.2.2 The water collected in the Pollution Control Scrubber System is collected in a compatible container, typically a stainless steel tote or 55 gal drum. The material is used in a compatible cook at the discretion of the Quality Control Manager or Plant Manager.

7.3 Hirt Thermal Oxidizer and Pollution Control Scrubber maintenance are managed by the Maintenance Supervisor using a computer software management program.

7.3.1 See Attachment B.

7.3.2 A spare parts inventory list and associated parts is maintained. Inventory is conducted periodically and materials are re-stocked as needed.

8.0 APPROVALS

8.1 Approvals are required from the Site Manager - HSEQ, Plant Manager and Maintenance Supervisor. The Quality Assurance Department maintains a log which is updated as the organization changes and is filed with a master copy.

Author:

Reviewer(s):

Approver(s):

Name/Date

Name/Date

Name/Date

Name/Date

Name/Date

Name/Date

Name/Date

ATTACHMENT A

HIRT THERMAL OXIDIZER START-UP INSTRUCTIONIn the electrical room:

1. Turn the main power **On**. The main power switch is located on the north wall of the electrical room.

At the indoor panel:

2. Check to make sure that the **Power** switch is in the **Off** position.

At the main fumes blower bearing oiler:

3. Turn the **Alarm Silence Timer** and the **Oiler Start Timer** to 60 minutes.

At the thermal oxidizer:

4. Turn power on to the **Bearing Oiler**, **Main Fumes**, **Secondary Fumes**, and the **Combustion Air Blowers**.
5. Open the **Pilot Gas Valve** (green handle) and **Main Gas Valve** (red handle). These valves are located below the "flame safeguard" junction box.
6. Reset the **Low Gas Pressure Switch**. This is located on the left side of the "flame safeguard" junction box.
7. Push the **Fireye Reset**.

Note: The red button on the "flame safeguard" junction box is the Immediate Stop!

At the indoor panel:

8. Turn the **Annunciator Alarm Silence Timer** to 30 minutes.
9. Turn **Power** to on position.
10. Press **Alarm Silence** and reset both of the **Annunciator Panels**.
11. Press **Main Fume Blower Start**, **Combustion Air Blower Start** and **Secondary Fume Blower Start** buttons in succession. At this time the **Power**, **Draft**, **Combustion Air Blower** and **Velocity Section DP** lights should be lit.
12. Press **Limits Reset**. **Limits Normal** light will prove if all safety interlocks have been met.

ATTACHMENT A (continued)

13. Place **Burner** switch to the **On** position. This initiates purge cycle and flame ignition. The **Purging** light should be lit. After a minute or so the **Flame** light should light.
14. After oxidizer temperature has reached at least 1450° F, press (and hold for 3 seconds) the **Fumes** button. The **Fumes** and **Secondary Fumes** lights should be lit.
Note: If the Fumes Lights do not light, the fumes will not go to the oxidizer!
15. Reset both of the annunciator panels again.

HIRT THERMAL OXIDIZER SHUT-DOWN INSTRUCTIONAt the indoor panel:

1. Turn **Power** to off position.

At the thermal oxidizer:

2. Turn power off to the **Bearing Oiler**, **Main Fumes**, **Secondary Fumes**, and the **Combustion Air Blowers**.
3. Close the **Pilot Gas Valve** (green handle) and **Main Gas Valve** (red handle). These valves are located below the "flame safeguard" junction box.

In the electrical room:

4. Turn the main power off. The main power switch is located on the north wall of the electrical room.

HIRT THERMAL IMMEDIATE RESTART INSTRUCTION

1. If the oxidizer does not purge and re-light on its own, reset the flame safeguard. This is located in the panel on the side of the oxidizer. Wait for the oxidizer to purge and re-light.
2. If the oxidizer does not re-light after purging, do the following:
 - Look at the temperature reading on the chart recorder.
 - Is the temperature dropping at a steady rate?
 - If not, lower the oxidizer Temperature Set Point (West 3400) to 32°F.
 - After the temperature drops significantly, return the set point to its previous setting and repeat step 1.
3. If the oxidizer does not re-light with the above steps, contact Maintenance immediately.

ATTACHMENT B

HIRT THERMAL OXIDIZER MAINTENANCE SCHEDULE

| ITEM | FREQUENCY | TASK |
|--|-------------|--|
| Hirt Thermal Oxidizer | Monthly | Grease blower bearing seals. Check K#1 duct vacuum, flame arrester. |
| | Semi-annual | Clean the secondary flame arrester. |
| | Quarterly | Drain liquid from burner chamber. Inspect the refractory for deterioration. Inspect ducting and insulation for deposits or deterioration. Inspect burner tubes for deposits or deterioration. Inspect pilot assembly for deposits or deterioration. Inspect the thermal oxidizer shell for cracked welds or loose belts. Check the fans for excessive vibration. Inspect the gas valve linkage Replace the thermocouples. Check operation of the four way valve. Test high temperature limit. Check nitrogen flow to the UV detector. Check all safety limits to see that they will shut down the unit if the limits are not met. Correct any deficiencies found. |
| | As needed | Take inventory of Hirt spare parts. |
| | | |
| Combustion Blower | Quarterly | Grease motor and drive bearings; Check belts, adjust if needed. |
| | Annual | Change belts and grease. |
| #1 Fume Blower | Quarterly | Grease motor and drive bearings; Check belts, adjust if needed. |
| | Annual | Change belts and grease. |
| Bearing Oiler for main fumes blower #1 | Semi-annual | Check the filters and strainer and change if needed. |
| Bearing Oiler for main fumes blower #1 | Bi-annual | Change oil. |
| #2 Fume Blower | Quarterly | Grease motor and drive bearings; Check belts, adjust if needed. |
| | Annual | Change belts and grease. |
| Bearing Oiler for main fumes blower #2 | Semi-annual | Check the filters and strainer and change if needed. |
| Bearing Oiler for main fumes blower #2 | Bi-annual | Change oil. |
| Temperature Recorder | Annual | Verify calibration once per year for operating temperature range. |
| | Monthly | Check and replace chart paper and pens on recorder when needed. |
| | Continuous | Monitor temperature of oxidizer using process computer and record temperature using chart recorder. |

ATTACHMENT B (continued)

POLLUTION CONTROL SCRUBBER SYSTEM

| ITEM | FREQUENCY | TASK |
|---|-----------|--|
| Pollution Control Scrubber System | Each use | Drain water (two drain valves) in collection container to a minimum level of about six inches below normal operating range which is to maintain a steady flow over the weir. |
| PH Probe | Monthly | Check pH probe calibration and re-calibrate if needed. |
| | Quarterly | Replace and re-calibrate as needed. |
| Scrubber Pump K3,4 | Quarterly | Grease pump and motor. |
| Pollution Control Permanganate Pump Motor | Annual | Grease motor. |
| Pollution Control Caustic Pump Motor | Annual | Grease motor. |
| Pollution Control Permanganate Recycling Pump | Annual | Check the oil and replace as needed. |
| Pollution Control Caustic Recycling Pump | Annual | Check the oil and replace as needed. |



Interplastic Corporation
2015 N.E. Broadway Street
Minneapolis, Minnesota 55413-1775
(651) 481-6860
(612) 331-4235 (Fax)

December 10, 1999

Hennepin County
Environmental Protection Division
417 N. Fifth St.
Minneapolis, MN 55401-1397

U.S. Mail: December 10, 1999

RE: 2000 Hazardous Waste Management Plan Summary
Interplastic Corporation, 2015 NE Broadway St., Minneapolis, MN 55413

To Whom It May Concern,

Please find enclosed the information required for year 2000 license application:

- 1) A Management Plan Summary marked with changes, revisions, and comments.
- 2) Our statement of waste minimization efforts undertaken in 1999, and
- 3) Our hazardous waste license application/certification which I have read and signed.

Please let me know if you need additional information or have any questions regarding the enclosed information.

Sincerely,

A handwritten signature in cursive script, reading "Sheri L. Peterson".

Sheri L. Peterson
Site Manager - Health, Safety, Environment, and Quality
Minneapolis Plant
99SP199

Copy: Gary Severson, Plant Manager, Minneapolis Plant
Robert C. Hoffman, Corporate Environmental Officer, Interplastic Corporation

2000 Hazardous Waste License Application/Certification Form

Waste Minimization & Toxicity Reduction Efforts

(please use the back of the form if you need more room)

1. Would you like free assistance on waste minimization/toxicity reduction? Yes / No
2. Would you like to have waste minimization information provided to you during hazardous waste inspections? Yes / No
 - a. Do you see a conflict of interest in our providing this assistance during regulatory inspections? Yes / No
3. Do you think waste minimization/toxicity reduction is important to your business? Yes / No
4. Do you think your company can save money by minimizing waste? Yes / No
5. Do you have a waste minimization/toxicity reduction plan? Yes / No
6. In 1999 were you able to make any efforts to reduce or eliminate the use of toxic chemicals or reduce the amount of hazardous waste generated? Yes / No
 - a. If yes, which chemicals or wastes did you target? Continue recycling of waste acetone and treatment of semi-gelled resin on site.
 - b. What did you try doing?
product substitution / process change / employee training / other See above.
 - c. Were you successful? Yes / No
7. What stumbling blocks do you see in your efforts towards waste minimization/toxicity reduction?
economics / government regulations / not enough information / other _____
8. Have you ever used the services of an assistance program or a consultant for a waste minimization project? Yes / No
 - a. If yes, who did you use? MnTAP / Materials Productivity, LLC / OEA / MN Waste Wise / MPCA / other _____
 - b. Was your project successful? Yes / No

Application/Certification

I certify under penalty of law that I have personally examined the information listed on the accompanying computer printout including: company site name, location address, mailing address, company contact person, Company Site ID Number, EPA ID number, and waste management information. I have made all necessary corrections or changes in that information, either on the printout or on a separate sheet of paper attached to the printout. I believe, based on my inquiry of those persons immediately responsible for checking or obtaining the information, that the information that I am submitting on the printout and all attached documents is true, accurate and complete. I understand that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I hereby apply for a Hennepin County Hazardous Waste Generator License, subject to all conditions and provisions of Minnesota Rules Chapter 7045 and Hennepin County Ordinance Seven.

Interplastic Corporation
Company Site Name
Sheri Peterson
Signature
Sheri Peterson
Name (Printed)

00009850 05307460
Company Site ID
December 10, 1999
Date
Site Manager-HSEQ
Title

RETURN TO: MINNEAPOLIS COUNTY
HAZARDOUS WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1397
PH: (612) 348-8100

PLATE NO: 1
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: LQG
DATE OF PLAN: 11/02/1999
PLAN DUE DATE: 12/15/1999

COMPANY SITE NAME: INTERPLASTIC CORP, COMMERCIAL RESINS DIV
COMPANY SITE CONTACT: ROBERT C. HOFFMAN
SITE LOCATION ADDRESS: 2015 BROADWAY ST N E
MINNEAPOLIS MN 55413
SITE EPA ID: MND-006-151-336 PH: (651) 481-6863

SHERI PETERSON
INTERPLASTIC CORP
2015 BROADWAY ST NE
MINNEAPOLIS MN 55413-1775

2000 HAZARDOUS WASTE MANAGEMENT PLAN SUMMARY

| WASTE ID | WASTE NAME | HW CODE | 1999 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|----------|---|---------|--------------------------------------|-------------------------------------|---------------------------------------|
| 0 1319 | WASTE ACETONE | C1 | <i>ok</i> 0.00 | GALLONS | F003 D001 |
| | TRANSPORTER NAME(S) MILSOLV MINNESOTA CORPORATION | | | EPA ID NUMBER(S) MND-059-028-886 | |
| | DISPOSER NAME(S) MILSOLV CORPORATION | | | EPA ID NUMBER(S) WID-023-350-192 | DISPOSAL PROCEDURE RECYC/BENEF USE |
| 05300320 | NON-GELLED WASTE | C1 | 102,960.00 <i>2310</i> | GALLONS | D001 |
| | TRANSPORTER NAME(S) METROPOLITAN ENVIRONMENTAL INC | | | EPA ID NUMBER(S) INT-190-010-397 | |
| | DISPOSER NAME(S) FISHER INDUSTRIAL SERVICE | | | EPA ID NUMBER(S) ALD-981-020-894 | DISPOSAL PROCEDURE BURNED AS FUEL |
| 05307473 | WASTE OIL | B1 | <i>ok</i> 350.00 | GALLONS | M100 |
| | TRANSPORTER NAME(S) OSI ENVIRONMENTAL INC | | | EPA ID NUMBER(S) MNR-000-034-488 | |
| | DISPOSER NAME(S) MATHY CONSTRUCTION | | | EPA ID NUMBER(S) WID-981-536-188 | DISPOSAL PROCEDURE BURNED AS FUEL |
| 05313639 | MIXED LAB WASH- MIBK | C1 | <i>ok</i> 40.00 | GALLONS | F003 |
| | TRANSPORTER NAME(S) MILSOLV MINNESOTA CORPORATION | | | EPA ID NUMBER(S) MND-059-028-886 | |

RETURN TO: ANNEPIN COUNTY
HAZARDOUS WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1397
PH: (612) 348-8100

E NO: 2
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: LQG
DATE OF PLAN: 11/02/1999
PLAN DUE DATE: 12/15/1999

| WASTE ID | WASTE NAME | HW CODE | 1999 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|--|-----------------------|-------------------------------------|---------------------------------|---------------------------------------|-------------|
| DISPOSER NAME(S) MILSOLV CORPORATION | | EPA ID NUMBER(S) WID-023-350-192 | | DISPOSAL PROCEDURE BURNED AS FUEL | |
| 05313990 | SEMI-GELLED RESIN | C2 | 240,000.00 91,080 | POUNDS | D001 |
| TRANSPORTER NAME(S) NOT APPLICABLE | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| DISPOSER NAME(S) WASTE TREATED ON SITE PRIOR TO OFF SITE SHIPMENT | | EPA ID NUMBER(S) NOT APPLICABLE | | DISPOSAL PROCEDURE CHEM FIXATION | |
| 05313991 | SEMI-GELLED RESIN | N2 | 107,500.00 91,080 | POUNDS | NONE |
| TRANSPORTER NAME(S) BFI (EDEN PRAIRIE) | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| DISPOSER NAME(S) BFI (PINE BEND LANDFILL) | | EPA ID NUMBER(S) NOT APPLICABLE | | DISPOSAL PROCEDURE LAND DISPOSAL | |
| 05318421 | FLUORESCENT BULBS | B3 | 338.00 287 | COUNT | D009 |
| TRANSPORTER NAME(S) SELF | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| DISPOSER NAME(S) RECYCLIGHTS | | EPA ID NUMBER(S) MNO-000-903-468 | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05321075 | USED OIL FILTERS | B3 | 8.00 8.00 | COUNT | H100 |
| TRANSPORTER NAME(S) OSI ENVIRONMENTAL INC | | EPA ID NUMBER(S) MNR-000-034-488 | | | |
| DISPOSER NAME(S) OSI ENVIRONMENTAL INC | | EPA ID NUMBER(S) MNR-000-034-488 | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05326025 | WASTE ACETONE | C1 | 25,375.00 52,055 | GALLONS | D001 F003 |
| TRANSPORTER NAME(S) NOT APPLICABLE | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| DISPOSER NAME(S) RECYCLED OR REUSED ON-SITE | | EPA ID NUMBER(S) NOT APPLICABLE | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05341984 | REACTOR CAUSTIC WATER | N1 | 31,000.00 7000 | GALLONS | NONE |
| TRANSPORTER NAME(S) MCES | | EPA ID NUMBER(S) NOT APPLICABLE | | | |

RETURN TO: INEPIN COUNTY
HAZARDOUS WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1397
PH: (612) 348-8100

I. NO: 3
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: LQG
DATE OF PLAN: 11/02/1999
PLAN DUE DATE: 12/15/1999

| WASTE ID | WASTE NAME | HW CODE | 1999 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|----------|--|---------|------------------------------------|-------------------------------------|---------------------------------------|
| | DISPOSER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | DISPOSAL PROCEDURE SWR AF TMT/NHAZ |
| 05341985 | MALEIC AHYDRIDE TANKER WATER | N1 | 400,000.00 350,400 | GALLONS | NONE |
| | TRANSPORTER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | |
| | DISPOSER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | DISPOSAL PROCEDURE SWR AF TMT/NHAZ |
| 05341986 | FLOOR SCRUBBER WATER | N1 | ok 600.00 | GALLONS | NONE |
| | TRANSPORTER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | |
| | DISPOSER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | DISPOSAL PROCEDURE SEWER W/O TREAT |
| 05341987 | RECOVERY WELL WATER | N1 | 999,999.99 1,176,342 | GALLONS | NONE |
| | TRANSPORTER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | |
| | DISPOSER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | DISPOSAL PROCEDURE SEWER W/O TREAT |
| 05341988 | POLLUTION CONTROL WATER | N1 | ok 2,000.00 | GALLONS | NONE |
| | TRANSPORTER NAME(S) NOT APPLICABLE | | | EPA ID NUMBER(S) NOT APPLICABLE | |
| | DISPOSER NAME(S) RECYCLED OR REUSED ON-SITE | | | EPA ID NUMBER(S) NOT APPLICABLE | DISPOSAL PROCEDURE RECYC/BENEF USE |
| 05341989 | BOILER BLOWDOWN | N1 | ok 90,000.00 | GALLONS | NONE |
| | TRANSPORTER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | |
| | DISPOSER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | DISPOSAL PROCEDURE SEWER W/O TREAT |
| 05341990 | COOLING TOWER WATER | N1 | 999,999.99 1,010,000 | GALLONS | NONE |
| | TRANSPORTER NAME(S) MCES | | | EPA ID NUMBER(S) NOT APPLICABLE2 | |

RETURN TO: MINNEAPOLIS COUNTY
HAZARDOUS WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1397
PH: (612) 348-8100

E NO: 4
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: LQG
DATE OF PLAN: 11/02/1999
PLAN DUE DATE: 12/15/1999

| WASTE ID | WASTE NAME | HW CODE | 1999 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|--|--------------------------------|-------------------------------------|---------------------------------|---------------------------------------|-------------|
| DISPOSER NAME(S) MCES | | EPA ID NUMBER(S) NOT APPLICABLE2 | | DISPOSAL PROCEDURE SEWER W/O TREAT | |
| 05341991 | ACETONE/STYRENE/PAINT/DCPD | C1 | 990.00 605 | GALLONS | D001 F003 |
| TRANSPORTER NAME(S) ST JOSEPH MOTOR LINES (ATLANTA GA) | | EPA ID NUMBER(S) GAD-042-097-261 | | | |
| DISPOSER NAME(S) FISHER INDUSTRIAL SERVICE | | EPA ID NUMBER(S) ALD-981-020-894 | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05341992 | LIQUID SODIUM HYDROXIDE | C1 | 1,210.00 ok 40.00 | GALLONS | D002 |
| TRANSPORTER NAME(S) ST JOSEPH MOTOR LINES (ATLANTA GA) | | EPA ID NUMBER(S) GAD-042-097-261 | | | |
| DISPOSER NAME(S) FISHER INDUSTRIAL SERVICE | | EPA ID NUMBER(S) ALD-981-020-894 | | DISPOSAL PROCEDURE NEUTRALIZATION | |
| 05341993 | ORGANIC PEROXIDE TYPE D& E LIQ | C1 | 40.00 ok 40.00 | GALLONS | D003 |
| TRANSPORTER NAME(S) ST JOSEPH MOTOR LINES (ATLANTA GA) | | EPA ID NUMBER(S) GAD-042-097-261 | | | |
| DISPOSER NAME(S) WASTE TECHNOLOGIES INDUSTRIES | | EPA ID NUMBER(S) OHD-980-613-541 | | DISPOSAL PROCEDURE INCIN/THERMAL | |
| Note: Manifests show 80 gal but pails may only be 1/2 full of waste. | | | | | |
| 05341994 | OIL/SOLVENT AND ABSORBENT | B1 | 885.00 995 | GALLONS | M100 |
| TRANSPORTER NAME(S) ST JOSEPH MOTOR LINES (ATLANTA GA) | | EPA ID NUMBER(S) GAD-042-097-261 | | | |
| DISPOSER NAME(S) FISHER INDUSTRIAL SERVICE | | EPA ID NUMBER(S) ALD-981-020-894 | | DISPOSAL PROCEDURE LAND DISPOSAL | |
| 05341995 | SLUDGE | N1 | 3,355.00 3245 | GALLONS | NONE |
| TRANSPORTER NAME(S) ST JOSEPH MOTOR LINES (ATLANTA GA) | | EPA ID NUMBER(S) GAD-042-097-261 | | | |
| DISPOSER NAME(S) FISHER INDUSTRIAL SERVICE | | EPA ID NUMBER(S) ALD-981-020-894 | | DISPOSAL PROCEDURE LAND DISPOSAL | |



Interplastic Corporation
2015 N. Broadway Street
Minneapolis, Minnesota 55413-1775
(651) 481-6860
(612) 331-4235 (Fax)

December 8, 1998

Hennepin County
Hazardous Waste Unit
Department of Public Works
417 North Fifth Street
Minneapolis, Minnesota 55401-1397
(612) 348-8100

RE: 1999 Hazardous Waste Management Plan Summary
Company Site ID: 00009850 05307460, Site EPA ID: MND-006-151-336
Interplastic Corporation, 2015 NE Broadway St., Minneapolis, MN 55413

To Whom It May Concern,

Enclosed you will find the updated 1999 Hazardous Waste Management Plan Summary due by December 15, 1998.

Darwin Schulz, Environmentalist with the Hazardous Waste Unit, also stated that one time projects involving waste shipments for 1998 should be included with this report. A summary is provided below:

| Waste | Project | Material |
|---------------------|---|--|
| Non-Hazardous | Installation of new underground storage tanks | Soil |
| Hazardous/Regulated | Replacement of maleic anhydride aboveground storage tank | Maleic anhydride (MA) solids, water contaminated with MA solids, insulation contaminated with MA solids, and oil/absorbants |
| Hazardous/Regulated | Unusable plant materials and/or mixtures of raw materials | Methyl methacrylate in water, isopropyl alcohol/polyvinyl alcohol, alpha methyl styrene/polyethylene glycol, Jeffsol, and fuel oil |
| Non-Hazardous | Sewer sump clean-out | Sump sludge and water |

If you have any questions regarding this information or the 1999 Hazardous Waste Management Summary, please contact me at (651) 481-6860, ext. 313.

Sincerely,

Sheri L. Peterson
Site Manager - Health, Safety, Environment and Quality
98SP183

Copies: Bob Hoffman, Corporate Environmental Officer, Interplastic Corporation
Gary Severson, Plant Manager, Minneapolis Plant

1999 Hazardous Waste License Application/Certification Form

Waste Minimization & Toxicity Reduction Efforts

(please use the back of the form if you need more room)

1. Would you like free assistance on waste minimization/toxicity reduction? Yes ☒ No
2. Would you like to have waste minimization information provided to you during hazardous waste inspections? Yes ☒ No
 - a. Do you see a conflict of interest in our providing this assistance during regulatory inspections? Yes / No
3. Do you think waste minimization/toxicity reduction is important to your business? Yes ☒ No
4. Do you think your company can save money by minimizing waste? ☒ Yes No
5. Do you have a waste minimization/toxicity reduction plan? ☒ Yes No
6. In 1998 were you able to make any efforts to reduce or eliminate the use of toxic chemicals or reduce the amount of hazardous waste generated? ☒ Yes No
 - a. If yes, which chemicals or wastes did you target? Continued to recycle waste acetone on site through feedstock program.
 - b. What did you try doing?
product substitution / process change / employee training / ☒ other See above
 - c. Were you successful? ☒ Yes No
7. What stumbling blocks do you see in your efforts towards waste minimization/toxicity reduction?
economics ☒ government regulations not enough information / other
8. Have you ever used the services of an assistance program or a consultant for a waste minimization project? Yes / No
 - a. If yes, who did you use? MnTAP/Waste Reduction Institute/OEA/other NA
 - b. Was your project successful? Yes / No NA

Application/Certification

I certify under penalty of law that I have personally examined the information listed on the accompanying computer printout including company site name, location address, mailing address, company contact person, Company Site ID Number, EPA ID number, and waste management information. I have made all necessary corrections or changes in that information, either on the printout or on a separate sheet of paper attached to the printout. I believe, based on my inquiry of those persons immediately responsible for checking or obtaining the information, that the information that I am submitting on the printout and all attached documents is true, accurate and complete. I understand that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I hereby apply for a Hennepin County Hazardous Waste Generator License, subject to all conditions and provisions of Minnesota Rules Chapter 7045 and Hennepin County Ordinance Seven.

Interplastic Corporation

00009850 05307460

Company Site Name

Company Site ID

Signature

Sheri Peterson

Date

12-08-98

RETURN TO: HENNEPIN COUNTY
HAZARDOUS WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1397
PH: (612) 348-8100

PAGE NO: 1
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: LQG
DATE OF PLAN: 11/03/1998
PLAN DUE DATE: 12/15/1998

COMPANY SITE NAME: INTERPLASTIC CORP, COMMERCIAL RESINS DIV
CONTACT SITE CONTACT: ROBERT C. HOFFMAN
SITE LOCATION ADDRESS: 2015 BROADWAY ST NE
MINNEAPOLIS MN 55413
SITE EPA ID: MND-006-151-336 PH: (612) 481-6863

~~SHERRI PETERSON~~ Sheri Peterson
INTERPLASTIC CORP.
2015 BROADWAY ST NE
MINNEAPOLIS MN 55413-1775

1999 HAZARDOUS WASTE MANAGEMENT PLAN SUMMARY

| WASTE ID | WASTE NAME | HW CODE | 1998 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|----------|---|---------|----------------------|-------------------------------------|---------------------------------------|
| 05300319 | WASTE ACETONE | C1 | 0.00 | GALLONS | F003 D001 |
| | TRANSPORTER NAME(S) HILSOLV MINNESOTA CORPORATION | | | EPA ID NUMBER(S) MND-059-028-886 | |
| | DISPOSER NAME(S) HILSOLV CORPORATION | | | EPA ID NUMBER(S) WID-023-350-192 | DISPOSAL PROCEDURE RECYC/BENEF USE |
| 05300320 | NON-GELLED WASTE | C1 | 182960 | GALLONS | D001 |
| | TRANSPORTER NAME(S) METROPOLITAN ENVIRONMENTAL INC | | | EPA ID NUMBER(S) INT-190-010-397 | |
| | DISPOSER NAME(S) FISHER INDUSTRIAL SERVICE | | | EPA ID NUMBER(S) ALD-981-020-894 | DISPOSAL PROCEDURE BURNED AS FUEL |
| 05307473 | WASTE OIL | B1 | 350 | GALLONS | H100 |
| | TRANSPORTER NAME(S) OSI ENVIRONMENTAL INC | | | EPA ID NUMBER(S) MNR-000-034-488 | |
| | DISPOSER NAME(S) MATHY CONSTRUCTION | | | EPA ID NUMBER(S) WID-981-536-188 | DISPOSAL PROCEDURE BURNED AS FUEL |
| 05313639 | MIXED LAB WASH- MIBK | C1 | 40.00 | GALLONS | F003 |
| | TRANSPORTER NAME(S) HILSOLV MINNESOTA CORPORATION | | | EPA ID NUMBER(S) MND-059-028-886 | |

RETURN TO: HENEPIN COUNTY
HAZ WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1397
PH: (612) 348-8100

PACT NO: 2
CL NY SITE ID: 00009850 05307460
CONRANY SITE SIC: 2821
GENERATOR SIZE: LQG
DATE OF PLAN: 11/03/1998
PLAN DUE DATE: 12/15/1998

| WASTE ID | WASTE NAME | HW CODE | 1998 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|----------|---|---------|----------------------------------|-------------------------------------|---------------------------------------|
| | DISPOSER NAME(S) MILSOLV CORPORATION | | | EPA ID NUMBER(S) WID-023-350-192 | DISPOSAL PROCEDURE BURNED AS FUEL |
| 05313991 | SEMI-GELLED RESIN | C2 | 240,000.00 107,500 | POUNDS | D001 |
| | TRANSPORTER NAME(S) BFI (EDEN PRAIRIE) | | | EPA ID NUMBER(S) NOT APPLICABLE | |
| | DISPOSER NAME(S) BFI (PINE BEND LANDFILL) | | | EPA ID NUMBER(S) NOT APPLICABLE | DISPOSAL PROCEDURE LAND DISPOSAL |
| 05318421 | FLUORESCENT BULBS | B3 | 550.00 338 | COUNT | D009 |
| | TRANSPORTER NAME(S) SELF | | | EPA ID NUMBER(S) NOT APPLICABLE | |
| | DISPOSER NAME(S) RECYCLIGHTS | | | EPA ID NUMBER(S) MNO-000-903-468 | DISPOSAL PROCEDURE RECYC/BENEF USE |
| 05321075 | USED OIL FILTERS | B3 | 8.00 10 | COUNT | M100 |
| | TRANSPORTER NAME(S) OSI ENVIRONMENTAL INC | | | EPA ID NUMBER(S) MNR-000-034-488 | |
| | DISPOSER NAME(S) OSI ENVIRONMENTAL INC | | | EPA ID NUMBER(S) MNR-000-034-488 | DISPOSAL PROCEDURE RECYC/BENEF USE |
| 05326025 | WASTE ACETONE | C1 | 65,936.00 25,375 | GALLONS | D001 F003 |
| | TRANSPORTER NAME(S) NOT APPLICABLE (WASTE IS NOT TRANSPORTED OFF-SITE) | | | EPA ID NUMBER(S) NOT APPLICABLE | |
| | DISPOSER NAME(S) RECYCLED OR REUSED ON-SITE | | | EPA ID NUMBER(S) NOT APPLICABLE | DISPOSAL PROCEDURE RECYC/BENEF USE |

1998 Hazardous Waste License Application/Certification Form

Waste minimization & toxicity reduction efforts for 1997: If you didn't make any changes in operations that resulted in waste minimization or toxicity reduction then indicate "no changes" in this box.

Hazardous Waste:

No changes

Solid Waste: ① Formed a waste reduction group at plant to monitor disposition of dated material to prevent getting of stored resin.
② Implemented a pig piping system plant wide to reduce product contamination and waste product.

Recycling: Continued use of recycling waste acetone.

Energy Conservation:

No changes

Application/Certification

I certify under penalty of law that I have personally examined the information listed on the accompanying computer printout including: company site name, location address, mailing address, company contact person, Company Site ID Number, EPA ID number, and waste management information. I have made all necessary corrections or changes in that information, either on the printout or on a separate sheet of paper attached to the printout. I believe, based on my inquiry of those persons immediately responsible for checking or obtaining the information, that the information that I am submitting on the printout and all attached documents is true, accurate and complete. I understand that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I hereby apply for a Hennepin County Hazardous Waste Generator License, subject to all conditions and provisions of Minnesota Rules Chapter 7045 and Hennepin County Ordinance Seven.

Interplastic Corporation

Company Site Name

00009850 05307460

Company Site ID

Signature

Sheri Peterson

Name (Printed)

Date

11-25-97

Title

HSE Manager

RETURN TO: HENNEPIN COUNTY
HAZARDOUS WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1397
PH: (612) 348-8100

PAGE NO: 1
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: SQG
DATE OF PLAN: 11/04/1997
PLAN DUE DATE: 12/15/1997

COMPANY SITE NAME: INTERPLASTIC CORP, COMMERCIAL RESINS DIV
COMPANY SITE CONTACT: ROBERT C. HOFFMAN
SITE LOCATION ADDRESS: 2015 BROADWAY ST N E
MINNEAPOLIS MN 55413
SITE EPA ID: MND-006-151-336 PH: (612) 481-6863



~~ROBERT HOFFMAN~~
~~INTERPLASTIC CORP.~~
~~1225 WILLOW LAKE BLVD.~~
~~SAINT PAUL MN 55110-5145~~

Sheri Peterson
Interplastic Corp
2015 NE Broadway St
Mpls, MN 55413-1775

1998 HAZARDOUS WASTE MANAGEMENT PLAN SUMMARY

| WASTE ID | WASTE NAME | HW CODE | 1997 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|---|----------------------|---|----------------------|---------------------------------------|-------------|
| 05300319 | WASTE ACETONE | C1 | 0.00 | GALLONS | F003 D001 |
| TRANSPORTER NAME(S) MILSOLV MINNESOTA CORPORATION | | EPA ID NUMBER(S) MND-059-028-886 | | | |
| DISPOSER NAME(S) MILSOLV CORPORATION | | EPA ID NUMBER(S) WID-023-350-192 | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05300320 | NON-GELLED WASTE | C1 | 0.00 | GALLONS | D001 |
| TRANSPORTER NAME(S) CHIEF SUPPLY CORPORATION Metropolitan Environmental | | EPA ID NUMBER(S) OKD-089-761-290 INT 190 010397 | | | |
| DISPOSER NAME(S) CHIEF SUPPLY CORPORATION Fisher Industrial Service Inc | | EPA ID NUMBER(S) OKD-089-761-290 | | DISPOSAL PROCEDURE LAND DISPOSAL | |
| 05307473 | WASTE OIL | B1 | 6.50 220.00 | GALLONS | M100 |
| TRANSPORTER NAME(S) OSI ENVIRONMENTAL INC | | EPA ID NUMBER(S) MNR-000-034-488 | | | |
| DISPOSER NAME(S) MATHY CONSTRUCTION | | EPA ID NUMBER(S) WID-981-536-188 | | DISPOSAL PROCEDURE BURNED AS FUEL | |
| 05313639 | MIXED LAB WASH- HIBK | C1 | 40.00 | GALLONS | F003 |
| TRANSPORTER NAME(S) MILSOLV MINNESOTA CORPORATION | | EPA ID NUMBER(S) MND-059-028-886 | | | |

RETURN TO: HENNEPIN COUNTY
ZARDOUS WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1397
PH: (612) 348-8108

PAGE NO: 2
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: SQG
DATE OF PLAN: 11/04/1997
PLAN DUE DATE: 12/15/1997

| WASTE ID | WASTE NAME | HW CODE | 1997 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|---|-------------------|--------------------------------------|--|---------------------------------------|-------------|
| DISPOSER NAME(S) MILSOLV CORPORATION | | EPA ID NUMBER(S) MID-023-350-192 | | DISPOSAL PROCEDURE BURNED AS FUEL | |
| 05313991 | SEMI-GELLED RESIN | C2 | 240,000 120,000.00 | POUNDS | D001 |
| TRANSPORTER NAME(S) BFI (EDEN PRAIRIE) | | EPA ID NUMBER(S) NOT APPLICABLE64 | | | |
| DISPOSER NAME(S) BFI (PINE BEND LANDFILL) | | EPA ID NUMBER(S) NOT APPLICABLE43 | | DISPOSAL PROCEDURE LAND DISPOSAL | |
| 05318421 | FLUORESCENT BULBS | B3 | 550.00 | COUNT | D009 |
| TRANSPORTER NAME(S) SELF | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| DISPOSER NAME(S) RECYCLIGHTS | | EPA ID NUMBER(S) MN0-000-903-468 | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05321075 | USED OIL FILTERS | B3 | 8.00 | COUNT | M100 |
| TRANSPORTER NAME(S) OSI ENVIRONMENTAL INC | | EPA ID NUMBER(S) MNR-000-034-488 | | | |
| DISPOSER NAME(S) OSI ENVIRONMENTAL INC | | EPA ID NUMBER(S) MNR-000-034-488 | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05326025 | WASTE ACETONE | C2 | 65,936 58,000 AP 7/31/98 20,000.00 | POUNDS | D001 F003 |
| TRANSPORTER NAME(S) NOT APPLICABLE (WASTE IS NOT TRANSPORTED OFF-SITE) | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| DISPOSER NAME(S) RECYCLED ON-SITE | | EPA ID NUMBER(S) NOT APPLICABLE | | DISPOSAL PROCEDURE RECYC/BENEF USE | |

Mpls

1997 Hazardous Waste License Application/Certification Form

Waste Minimization/Toxicity Reduction Efforts (1996): *If you were unable to make any changes in operations which resulted in waste minimization/toxicity reduction, then indicate "no changes" in this box*

Continue use of waste acetone as a feedstock in the manufacturing process.

Application/Certification:

I certify under penalty of law that I have personally examined the information listed on the accompanying computer printout including: company site name, location address, mailing address, company contact person, Company Site ID Number, EPA ID number, and waste management information. I have made all necessary corrections or changes in that information, either on the printout or on a separate sheet of paper attached to the printout. I believe, based on my inquiry of those persons immediately responsible for checking or obtaining the information, that the information that I am submitting on the printout and all attached documents is true, accurate and complete. I understand that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I hereby apply for a Hennepin County Hazardous Waste Generator License, subject to all conditions and provisions of Minnesota Rules Chapter 7045 and Hennepin County Ordinance Seven.

Interplastic Corporation

Company Site Name

Signature

Sheri L. Peterson

Name (Printed)

00009850 05307460

Company Site ID

Date

4/25/96

Site Manager - HSEQ

Title

RETURN TO: HE PIN COUNTY
HAZARDOUS WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1309
PH: (612) 348-8100
PH: (612) 348-8100

PAGE: 1
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: SQG
DATE OF PLAN: 11/05/1996
PLAN DUE DATE: 12/15/1996

CO: Y SITE NAME: INTERPLASTIC CORP, COMMERCIAL RESINS DIV
COM: / SITE CONTACT: ROBERT C. HOFFMAN
SITE LOCATION ADDRESS: 2015 BROADWAY ST N E
MINNEAPOLIS MN 55413
SITE EPA ID: MND-006-151-336 PH: (612) 481-6863

ROBERT HOFFMAN
INTERPLASTIC CORP.
1225 WOLTERS BLVD
SAINT PAUL MN 55110-5145

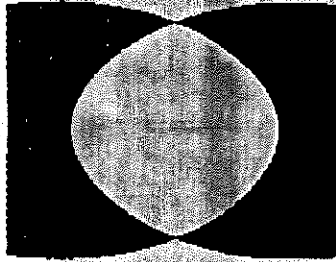
1997 HAZARDOUS WASTE MANAGEMENT PLAN SUMMARY

| ASTE ID | WASTE NAME | HA CODE | 1996 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|---------|--|---------|----------------------|-------------------------------------|---------------------------------------|
| 5300719 | WASTE ACETONE | N1 | <i>sh</i> 0.00 | GALLONS | F003 D001 |
| | TRANSPORTER NAME(S) MILSOLV MINNESOTA CORPORATION | | | EPA ID NUMBER(S) MND-059-028-886 | |
| | DISPOSER NAME(S) MILSOLV CORPORATION | | | EPA ID NUMBER(S) WID-023-350-192 | DISPOSAL PROCEDURE RECYC/BENEF USE |
| 5300320 | NON-GELLED WASTE | N1 | <i>sh</i> 0.00 | GALLONS | D001 |
| | TRANSPORTER NAME(S) CHIEF SUPPLY CORPORATION | | | EPA ID NUMBER(S) OKD-089-761-290 | |
| | DISPOSER NAME(S) CHIEF SUPPLY CORPORATION | | | EPA ID NUMBER(S) OKD-089-761-290 | DISPOSAL PROCEDURE LAND DISPOSAL |
| 5307473 | WASTE OIL | P1 | <i>sh</i> 220.00 | GALLONS | M100 |
| | TRANSPORTER NAME(S) OSI ENVIRONMENTAL INC | | | EPA ID NUMBER(S) MND-985-724-475 | |
| | DISPOSER NAME(S) MATHY CONSTRUCTION | | | EPA ID NUMBER(S) WID-981-536-188 | DISPOSAL PROCEDURE BURNED AS FUEL |
| 5313639 | MIXED LAB WASH- MIBK | N1 | <i>40.00</i> 0.00 | GALLONS | F003 |
| | TRANSPORTER NAME(S) MILSOLV MINNESOTA CORPORATION | | | EPA ID NUMBER(S) MND-059-028-886 | |

RETURN TO: H' SPIN COUNTY
HAZ. WASTE UNIT
417 NORTH 5TH STREET
MINNEAPOLIS, MN 55401-1309
PH: (612) 348-8100
PH: (612) 348-8100

PAI 0: 2
COMPANY SITE ID: 00009850 05307460
COMPANY SITE SIC: 2821
GENERATOR SIZE: SQG
DATE OF PLAN: 11/05/1996
PLAN DUE DATE: 12/15/1996

| WASTE ID | WASTE NAME | H/ CODE | 1996 EST. GENERATION | UNIT OF MEASURE | EPA CODE(S) |
|---|-------------------|-------------------------------------|--|---------------------------------------|-------------|
| DISPOSER NAME(S) MILSOLV CORPORATION | | EPA ID NUMBER(S) WID-023-350-192 | | DISPOSAL PROCEDURE BURNED AS FUEL | |
| 05313991 | SEMI-GELLED RESIN | N2 | 89,540.00 <i>90,000.00</i> <i>120,000</i> | POUNDS | D001 |
| TRANSPORTER NAME(S) BFI (EDEN PRAIRIE) | | EPA ID NUMBER(S) NOT APPLICABLE | | DISPOSAL PROCEDURE LAND DISPOSAL | |
| DISPOSER NAME(S) BFI (PINE BEND LANDFILL) | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| 05318421 | FLUORESCENT BULBS | B1 | <i>oh</i> 550.00 | COUNT | D009 |
| TRANSPORTER NAME(S) SELF | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| DISPOSER NAME(S) RECYCLIGHTS | | EPA ID NUMBER(S) MND-000-903-468 | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05321075 | USED OIL FILTERS | B1 | <i>oh</i> 8.00 | COUNT | M100 |
| TRANSPORTER NAME(S) OSI ENVIRONMENTAL INC | | EPA ID NUMBER(S) MND-985-724-475 | | | |
| DISPOSER NAME(S) OSI ENVIRONMENTAL INC | | EPA ID NUMBER(S) MND-985-724-475 | | DISPOSAL PROCEDURE RECYC/BENEF USE | |
| 05326025 | WASTE ACETONE | N2 | <i>oh</i> 20,000.00 | POUNDS | D001 F003 |
| TRANSPORTER NAME(S) NOT APPLICABLE (WASTE IS NOT TRANSPORTED OFF-SITE) | | EPA ID NUMBER(S) NOT APPLICABLE | | | |
| DISPOSER NAME(S) RECYCLED ON-SITE | | EPA ID NUMBER(S) NOT APPLICABLE | | DISPOSAL PROCEDURE RECYC/BENEF USE | |



INTERPLASTIC CORPORATION

1225 Willow Lake Boulevard
St. Paul, MN 55110-5145

(651) 481-6860

| | | | |
|---|---------------------|--|-----------|
| Sending To | Lorna Jereza | Date | 3/10/00 |
| Company | U.S. EPA | Time | 2:30 p.m. |
| Fax Number | 312-353-4342 | No. of Pages Transmitted | 11 |
| | | (including cover page) | |
| Received from | Bob Hoffman | IF PROBLEMS OCCUR WITH THIS TRANSMISSION, PLEASE CONTACT KIM PRICE AT (651) 481-6872. | |
| | Phone: 651-481-6863 | | |
| Fax Number | (651) 481-9836 | | |
| <p>Our complete response, with attachments, is being sent to you today via UPS and you should receive it on Monday, March 13, 2000.</p> | | | |

CONFIDENTIALITY NOTICE

The information contained in this fax is strictly confidential. It is intended solely for the person named above. If you are not the intended recipient — or that person's assistant — then you are strictly prohibited from reading and retaining these materials (or any copy of them). If you received in this fax in error, please call us immediately and destroy these materials.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Author's Copy
OAC

MAY 05 2000

REPLY TO THE ATTENTION OF:

DE-9J

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Robert C. Hoffman, Director
Health, Safety and Environmental Quality
Corporate Environmental Officer
Interplastic Corporation
1225 Willow Lake Boulevard
Saint Paul, Minnesota 55110-5145

Re: Follow-Up to Notice Of Violation and Request for Information
Interplastic Corporation
Minneapolis Plant
EPA ID No.: MND 006 151 336

Dear Mr. Seversen: *

This letter is in follow-up to your correspondence to me dated March 10, 2000, in response to a Notice of Violation and request for information dated January 28, 2000, from the U.S. Environmental Protection Agency.

In your response to Item 5, relating to drums of hazardous waste stored outside near the hot box in violation of Minnesota Rules for storage of hazardous waste by a large quantity generator, you stated the area in front of the hot box is covered by a concrete cap designed to prevent any percolation of organic material into the soil (response 5.J), that the yard drain acts as a secondary containment system for the entire facility (response 5.K), and that no further action was planned (response 5.L).

Please be advised that this response is incomplete, and you remain in violation of Minnesota Standards at Chapter 7045, Rule 7045.0292, Accumulation of Hazardous Waste, Subpart 1, related to large quantity generators of hazardous waste. Specifically, Minnesota rule 7045.0292, Subpart 1.E., requires containers that hold free liquids to be placed on a containment surface that is impermeable to the wastes stored and, if outside, is curbed. First, you have not submitted any information to demonstrate that the concrete surface in the yard area is impermeable to the waste stored absent a coating to make the concrete impermeable. Second, the concrete surface has expansion cracks through which

the waste can migrate into the underlying soil. Finally, the rule clearly requires that the area be curbed. Draining the area to a (plugged) yard drain which drains to a City storm sewer clearly does not meet this requirement.

In addition, Minnesota rule 7045.0292, Subpart 1.B. requires that if the waste is managed in containers, the requirements specified at Minnesota rule 7045.0626 also apply. Minnesota rule 7045.0626, at Subpart 4, specifies that the owner or operator shall store containers which if exposed to direct sunlight may create a hazardous condition in an area with overhead roofing or other covering. The area in question is neither roofed nor otherwise covered as required by the Minnesota rules.

Additional Information and Next Steps

You are required to submit a detailed plan, schedule and cost estimate to install the required impermeable coating, curbing and overhead roofing or other covering to meet the requirements of the applicable Minnesota rules, within 20 days of the date of this letter.

With regard to Interplastic's response to the information request, U.S. EPA may use any information which Interplastic provides in any civil or criminal proceeding related to this and other matters. Furthermore, any false, fictitious or fraudulent submissions, statements or representations, or any omissions, may subject Interplastic and the individual responsible to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If you have any technical questions regarding this matter, then please contact Michael Mikulka of our staff, at 312-886-6760. Legal inquiries should be directed to Christine Liszewski, Associate Regional Counsel, at 312-886-4670.

Sincerely,



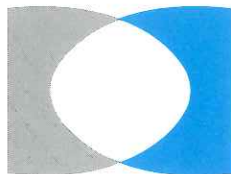
Lorna M. Jereza, P.E., Chief
Compliance Section 1

Enforcement & Compliance Assurance Branch

cc: Ann Foss, Section Manager
Greg Berger, MPCA
Darwin Schulz, Hennepin County, MN
Gary Seversen, Interplastic

ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

| SECRETARY | SECRETARY | SECRETARY | SECRETARY | SECRETARY | SECRETARY |
|--------------------------------|---|---|--------------------------------|-------------------------|------------------------------|
| | | | | | |
| AUTHOR/ TYPIST | COMPLIANCE SECTION 1 SECTION CHIEF | COMPLIANCE SECTION 2 SECTION CHIEF | CA SECTION SECTION CHIEF | ECAB BRANCH CHIEF | WPTD DIVISION DIRECTOR |
| <i>LMJ for M. L. H. 5/5/00</i> | <i>LMJ 5/5/00</i> | | | | |



INTERPLASTIC CORPORATION

1225 Willow Lake Boulevard
Saint Paul, Minnesota 55110-5145
(651) 481-6863 Fax (651) 481-9836

Robert C. Hoffman
Vice President Regulatory Affairs and Quality
Chief Environmental Officer

May 24, 2000

RECEIVED
MAY 30 2000

Enforcement & Compliance Assurance Branch
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5

DE - 9J
Mr. Michael Mikulka
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RE: EPA ID No: MND 006 151 336

Dear Mr. Mikulka:

This letter is in response to your correspondence dated May 5, 2000, regarding the Follow-up to Notice of Violation and Request for Information - Interplastic Corporation's Minneapolis Plant.

We have had the concrete pad assessed by a structural engineer from Wenck Associates, Inc., who certified the pad is impermeable to the type of chemicals stored on it. Regardless of this fact, Interplastic has made a decision not to use this area for staging hazardous waste. Should our position change, we will install a concrete containment dike as well as a roof to keep the drums out of the direct sunlight.

Should you have any questions regarding this response, please do not hesitate to call.

Sincerely,


Robert C. Hoffman

RCH/kjp

cc: Ivan Levy
John Wallenfels
Sheri Peterson



RECYCLED PAPER MADE FROM 30% POST CONSUMER WASTE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 14 2000

REPLY TO THE ATTENTION OF

ENFORCEMENT CONFIDENTIAL

DE-9J

Ann Foss, Section Manager
North/South Major Facilities
Minnesota Pollution Control Agency
520 Lafayette Road
Saint Paul, Minnesota 55155

Re: Enforcement Action Notice
Interplastic Corporation Facility
2015 NE Broadway Street
Minneapolis, Minnesota
MND 006 151 336

Dear Ms. Foss:

In coordination with the Minnesota Pollution Control Agency (MPCA) and Hennepin County, the United States Environmental Protection Agency (U.S. EPA), Region 5, conducted a Compliance Evaluation Inspection under the relevant provisions of the Resource Conservation and Recovery Act (RCRA) on November 16, 1999 at the Interplastic Corporation facility located in Minneapolis, MN. The facility is a large quantity generator (LQG) of hazardous waste.

The inspection identified several violations of Minnesota and federal hazardous waste regulations as identified in the enclosed inspection report. Pursuant to verbal agreement with Hennepin County and MPCA, these violations will be addressed by U.S. EPA in a single enforcement action.

U.S. EPA has evaluated the inspection findings and has determined that the nature of the violations identified, classify the facility as a significant non-complier (SNC) as defined in U.S. EPA's 1996 Enforcement Response Policy (ERP) due to actual or substantial likelihood of exposure to hazardous waste or hazardous waste constituents and due to the substantial deviation from fundamental RCRA regulatory requirements. The ERP also requires that formal enforcement be initiated that includes the collection of a monetary penalty.

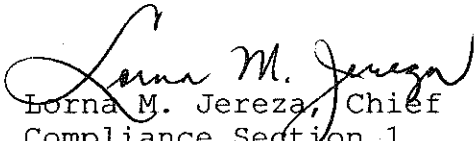
U.S. EPA has issued a Notice of Violation and request for information with respect to the violations. Upon receipt of the response from Interplastic, U.S. EPA will proceed with a formal enforcement action for any remaining injunctive relief and

penalties.

In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), this letter provides notice to the State of Minnesota of U.S. EPA's intent to issue an Administrative Complaint to Interplastic for the violations detected at its Minneapolis, Minnesota facility.

If you have questions or concerns related to the issuance of this order, please contact me at (312)353-5110.

Sincerely yours,

A handwritten signature in cursive script, reading "Lorna M. Jereza".

Lorna M. Jereza, Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

Enclosure

cc: Greg Berger, MPCA

Darwin Schulz, Hennepin County

bcc: M. Mikulka (w/o attach.)
Christine Liszewski, C-14J(w/o attachment)
Section Copy (w/o attach.)
Branch Copy (w/o attach.)

| | | | |
|---------------------------|----------------------|----------------------|--|
| SECRETARY | SECRETARY | SECRETARY | |
| | | | |
| AUTHOR, Staff | ORC, Staff | SECTION I CHIEF | |
| <i>[Signature]</i> 2/9/00 | <i>cmk</i> 2/9/00 | <i>WJ</i> 2/10/00 | |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JUN 15 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF
DE-9J

James D. Wallenfelsz
Chief Executive Officer
Interplastic Corporation
1225 Wolters Boulevard
Vadnais Heights, Minnesota 55110

Re: Notice of Intent to File Civil Administrative Complaint
Against Interplastic Corporation
USEPA ID No.: MND 006 151 336

Dear Mr. Wallenfelsz:

The United States Environmental Protection Agency (USEPA) plans to file an administrative complaint for civil penalties against Interplastic Corporation (you). We will allege that you violated the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., by violating Minnesota hazardous waste management regulations applicable to large quantity generators of hazardous wastes (Minnesota State Rules Chapter 7045: Hazardous Waste Rules), and federal regulations codified at Title 40, Code of Federal Regulations (C.F.R.) Part 265, Subpart CC (Air Emission Standards for Tanks, Surface Impoundments and Containers). The violations in question were more specifically identified in a Notice of Violation sent to you dated January 28, 2000, and supplemented in letter dated May 5, 2000. Based on information currently available to us, we plan to propose a penalty of \$57,119 in the complaint.

This letter is not a demand to pay a penalty. We will not ask you to pay a penalty until we file the complaint or a final order. Before filing the complaint, we are giving you the opportunity to present any information that you believe we should consider, other than what has already been provided. Relevant information might include evidence that you did not violate the law; evidence that you relied on compliance assistance from USEPA or a State agency; evidence that we identified the wrong party; or financial data bearing on your ability to pay a penalty.

If you believe that you will be unable to pay a penalty because of financial reasons, please give us certified financial statements, including balance sheets, and your company's income tax returns with all schedules, for the past three years.

You may assert a claim of business confidentiality under 40 C.F.R. part 2, subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. part 2, subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. We may use any information you submit in support of an administrative, civil, or criminal action.

Within 10 calendar days after you receive this letter, please send any response to:

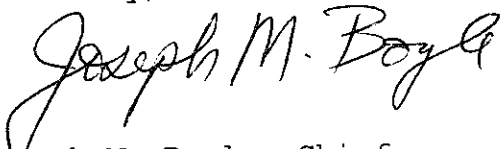
Christine Liszewski
Associate Regional Counsel (C-14J)
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

We intend to file the complaint against you 14 calendar days after you receive this letter, unless you give us information that the complaint is not substantially justified.

If you have any questions, please telephone Christine Liszewski, Associate Regional Counsel at (312)886-4670.

Thank you for your prompt attention to this matter.

Sincerely,



Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch

Enclosure

cc: Ann Foss, Section Manager
North/South Major Facilities
Minnesota Pollution Control Agency

Gary Seversen, Plant Manager
Minneapolis Plant
Interplastic Corporation

IN DATE

| | | |
|-----------------------------|----------------|-----------------------|
| DUNS: 00-615-1336 | DATE PRINTED | SUMMARY |
| INTERPLASTIC CORPORATION | SEP 25 2000 | RATING 1R3 |
| +COMMERCIAL RESINS DIVISION | | |
| +SILMAR RESINS DIVISION | MFG RESINS AND | STARTED 1983 |
| +INTERPLASTIC DISTRIBUTION | WHOL CHEMICALS | SALES \$250,000,000 |
| GROUP | | EMPLOYS 330 (40 HERE) |
| +MOLDING PRODUCTS DIVISION | SIC NOS. | HISTORY CLEAR |
| | 28 21 51 69 | |

1225 WILLOW LAKE BLVD
AND BRANCH(ES) OR DIVISION(S)
SAINT PAUL MN 55110
TEL: 651 481-6860

CHIEF EXECUTIVE: JAMES D WALLENFELSZ, PRES-CEO

=====

* * * CUSTOMER SERVICE * * *

=====

If you have questions about this report, please call our Customer Service Center at 1-800-234-3867 from anywhere within the U.S. If you are outside the U.S., contact your local D&B office.

*** Additional Decision Support Available ***

Additional D&B products, credit recommendations and specialized investigations are available to help you evaluate this company or its industry. Call Dun & Bradstreet's Solution Center at 1-800-362-3425 from anywhere within the U.S.

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* * * SUMMARY ANALYSIS * * *

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The Summary Analysis section reflects information in D&B's file as of September 25, 2000.

RATING SUMMARY

The Rating was changed on November 10, 1999 because of changes to D&B's file on this business. The "1R" portion of the Rating (the Rating Classification) indicates business size of 10 or more employees for this company. The "3" on the right (Composite Credit Appraisal) indicates an overall "fair" credit appraisal. This credit appraisal was assigned because the payment information in D&B's file on this company indicates slowness in meeting trade obligations and the open suits, liens or judgments in D&B's file.

Below is an overview of the company's D&B Rating(s) since 01/23/91:

| RATING | DATE APPLIED |
|--------|--------------|
| ----- | ----- |
| 1R3 | 11/10/99 |
| 1R2 | 10/17/96 |
| 1R3 | 07/21/95 |
| -- | 01/23/91 |

* * * PAYMENT SUMMARY * * *

The Payment Summary section reflects payment information in D&B's file as of the date of this report.

The PAYDEX for this company is 77.

This PAYDEX score indicates that payments to suppliers average 5 days beyond terms, weighted by dollar amounts. When dollar amounts are not considered, approximately 68% of the company's payments are within terms.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

| | TOTAL RCV'D | TOTAL DOLLAR AMOUNTS | LARGEST HIGH CREDIT | % W/IN TERMS | DAYS SLOW | | | |
|--------------------------|----------------|----------------------------|---------------------------|--------------------|-----------|-------|-------|-----|
| | | | | | <31 | 31-60 | 61-90 | 91+ |
| | # | \$ | \$ | % | % | % | % | % |
| Total in D&B's file | 258 | 27,064,900 | 15,000,000 | | | | | |
| Top 10 Industries: | | | | | | | | |
| 1 Trucking non-local | 61 | 186,150 | 25,000 | 54 | 33 | 9 | 2 | 2 |
| 2 Nonclassified | 16 | 267,050 | 200,000 | 23 | 76 | - | - | 1 |
| 3 Telephone communictns | 11 | 158,500 | 65,000 | 51 | 30 | - | 19 | - |
| 4 Petroleum refining | 5 | 22,005,250 | 15,000,000 | 100 | - | - | - | - |
| 5 Mfg industrial gases | 5 | 117,500 | 55,000 | 43 | 57 | - | - | - |
| 6 Mfg cyclic crudes/dye | 4 | 253,500 | 200,000 | 97 | 3 | - | - | - |
| 7 Oil/gas production | 3 | 856,000 | 800,000 | 100 | - | - | - | - |
| 8 Mfg plastics/resins | 3 | 760,000 | 750,000 | 49 | 51 | - | - | - |
| 9 Mfg plane engine/part | 3 | 400,500 | 200,000 | - | 100 | - | - | - |
| 10 Mfg organic chemicals | 1 | 1,000,000 | 1,000,000 | - | 100 | - | - | - |
| 11 OTHER INDUSTRIES | 138 | 939,600 | 95,000 | 53 | 38 | 7 | 1 | 1 |

Other Payment Categories:

| | | | |
|------------------------|---|---------|--------|
| Cash experiences | 0 | 0 | 0 |
| Payment record unknown | 8 | 120,850 | 80,000 |
| Unfavorable comments | 0 | 0 | 0 |
| Placed for collection | | | |
| with D&B | 0 | 0 | |
| other | 0 | N/A | |

The highest "Now Owes" on file is \$1,000,000

The highest "Past Due" on file is \$600,000

Dun & Bradstreet has 258 payment experiences in its file for this company. For your convenience, we have displayed 80 representative experiences in the PAYMENTS section.

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

Antic - Anticipated (Payments received prior to date of invoice)

Disc - Discounted (Payments received within trade discount period)

Ppt - Prompt

(Payments received within terms granted)

| REPORTED | PAYING RECORD | HIGH CREDIT | NOW OWES | PAST DUE | SELLING TERMS | LAST SALE WITHIN |
|----------|------------------|----------------|-------------|-------------|------------------|---------------------|
| 09/00 | Ppt | 800000 | -0- | -0- | | 1 Mo |
| | Ppt | 55000 | 35000 | -0- | | 1 Mo |
| | Ppt | 45000 | 25000 | -0- | | 1 Mo |
| | Ppt | 5000 | 5000 | -0- | | 2-3 Mos |
| | Ppt | 2500 | 100 | -0- | 1 10 N30 | 1 Mo |
| | Ppt | 1000 | -0- | -0- | N30 | 6-12 Mos |
| | Ppt | 1000 | -0- | -0- | N30 | 6-12 Mos |
| | Ppt | 1000 | -0- | -0- | N15 | 6-12 Mos |
| | Ppt | 750 | -0- | -0- | N30 | 6-12 Mos |
| | Ppt | 500 | -0- | -0- | | 6-12 Mos |
| | Ppt | 500 | -0- | -0- | | 6-12 Mos |
| | Ppt | 250 | -0- | -0- | | 4-5 Mos |
| | Ppt | 250 | -0- | -0- | N30 | 2-3 Mos |
| | Ppt | 250 | 250 | -0- | N30 | 6-12 Mos |
| | Ppt | 50 | -0- | -0- | | 2-3 Mos |
| | Ppt | 50 | 50 | -0- | N30 | 1 Mo |
| | Ppt-Slow 30 | 25000 | 7500 | 1000 | | 1 Mo |
| | Ppt-Slow 30 | 10000 | 5000 | 2500 | | 1 Mo |
| | Ppt-Slow 30 | 5000 | -0- | -0- | | 6-12 Mos |
| | Ppt-Slow 30 | 1000 | -0- | -0- | N30 | 6-12 Mos |
| | Ppt-Slow 30 | 500 | -0- | -0- | N15 | 4-5 Mos |
| | Ppt-Slow 30 | 250 | 50 | -0- | | 1 Mo |
| | Ppt-Slow 30 | 250 | 250 | 100 | | 1 Mo |
| | Slow 5 | 65000 | -0- | -0- | | 4-5 Mos |
| | Slow 5 | 10000 | -0- | -0- | | 2-3 Mos |
| | Slow 10 | 250 | -0- | -0- | | 4-5 Mos |
| | Slow 30 | 5000 | 500 | 100 | N30 | 1 Mo |
| | Slow 30 | 2500 | 1000 | 100 | N30 | 1 Mo |
| | Slow 30 | 500 | -0- | -0- | N30 | 6-12 Mos |
| | Slow 30 | 250 | -0- | -0- | | 6-12 Mos |
| | Slow 60 | 5000 | 100 | | | 6-12 Mos |
| | Slow 30-60 | 2500 | 250 | 100 | N30 | 1 Mo |
| | Slow 90+ | 500 | -0- | -0- | | 4-5 Mos |
| 08/00 | Disc | 1000 | 1000 | 1000 | | 6-12 Mos |
| | Ppt | 45000 | -0- | -0- | 1 15 N30 | 4-5 Mos |
| | Ppt | 20000 | 5000 | -0- | N30 | |
| | Ppt | 15000 | 5000 | -0- | | 1 Mo |
| | Ppt | 10000 | -0- | -0- | | 1 Mo |
| | Ppt | 7500 | -0- | -0- | | 4-5 Mos |
| | Ppt | 7500 | 7500 | -0- | | 1 Mo |
| | Ppt | 5000 | 2500 | -0- | | 1 Mo |
| | Ppt | 2500 | 500 | -0- | | 1 Mo |
| | Ppt | 2500 | -0- | -0- | | 6-12 Mos |
| | Ppt | 1000 | -0- | -0- | | 4-5 Mos |
| | Ppt | 1000 | -0- | -0- | N30 | 4-5 Mos |
| | Ppt | 1000 | 1000 | -0- | | 1 Mo |
| | Ppt | 250 | -0- | -0- | | 2-3 Mos |
| | Ppt | 250 | -0- | -0- | N30 | 2-3 Mos |
| | Ppt | 250 | -0- | -0- | | 6-12 Mos |
| | Ppt | 100 | 50 | -0- | N30 | 1 Mo |
| | Ppt | 50 | -0- | -0- | N7 | 2-3 Mos |
| | Ppt | 50 | -0- | -0- | N7 | 2-3 Mos |
| | Ppt | 50 | -0- | -0- | | 2-3 Mos |
| | Ppt | 50 | -0- | -0- | N30 | 4-5 Mos |
| | Ppt-Slow 15 | 2500 | 1000 | -0- | | 1 Mo |

| | | | | | |
|--------------------|--------|-------|-------|-----|----------|
| Ppt-Slow 30 | 55000 | 2500 | 1000 | N30 | 1 Mo |
| Ppt-Slow 30 | 5000 | 1000 | -0- | | 1 Mo |
| Ppt-Slow 30 | 5000 | 750 | 250 | | 1 Mo |
| Ppt-Slow 30 | 2500 | 2500 | 2500 | | 1 Mo |
| Ppt-Slow 30 | 2500 | -0- | -0- | N15 | 6-12 Mos |
| Ppt-Slow 30 | 1000 | 1000 | 500 | | 1 Mo |
| Ppt-Slow 30 | 750 | 500 | -0- | N30 | 1 Mo |
| Ppt-Slow 30 | 750 | 500 | 250 | N30 | 1 Mo |
| Ppt-Slow 30 | | -0- | -0- | | 2-3 Mos |
| Ppt-Slow 60 | 20000 | 20000 | 10000 | N30 | 1 Mo |
| Slow 5 | 200000 | 30000 | -0- | | 1 Mo |
| Slow 5 | | 10000 | 500 | N30 | 1 Mo |
| Slow 10 | 20000 | -0- | -0- | N30 | 4-5 Mos |
| Slow 15 | 1000 | -0- | -0- | | 6-12 Mos |
| Slow 30 | 5000 | -0- | -0- | | 4-5 Mos |
| Slow 30 | 750 | 250 | 250 | N7 | 4-5 Mos |
| Slow 30 | 500 | 500 | 500 | N30 | |
| Slow 30 | 250 | -0- | -0- | | 2-3 Mos |
| Slow 5-30 | 250 | -0- | -0- | N15 | 6-12 Mos |
| Slow 40 | 5000 | 5000 | 5000 | | 1 Mo |
| Slow 30-60+ | 500 | 100 | 100 | | 1 Mo |
| Slow 15-80 | 2500 | -0- | -0- | | 1 Mo |
| Slow 90 | 2500 | 2500 | 2500 | N30 | 4-5 Mos |
| 07/00 Slow 60-120+ | 5000 | 5000 | 5000 | | 6-12 Mos |
| 06/00 Ppt-Slow 90 | 60000 | -0- | -0- | | 1 Mo |

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

FINANCE

11/09/99 On NOV 08 1999 Mark Brost, vp-finance-admin, deferred all information.

PUBLIC FILINGS

The following data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

***** SUIT(S) *****

CASE NO.: 426711

| | | | |
|--------------|---------------------------------|-----------------------|------------|
| PLAINTIFF: | RBX TRANSPORT INC | STATUS: | Pending |
| DEFENDANT: | INTERPLASTIC DISTRIBUTION GROUP | DATE STATUS ATTAINED: | 04/10/1996 |
| | BATON ROUGE, LA | DATE FILED: | 04/10/1996 |
| WHERE FILED: | EAST BATON ROUGE PARISH | LATEST INFO RECEIVED: | 06/06/1996 |
| | DISTRICT COURT, BATON ROUGE, LA | | |

***** UCC FILING(S) *****

COLLATERAL: Equipment

FILING NO: 992500395

DATE FILED:

09/07/1999

TYPE: Amendment
SEC. PARTY: TOYOTA MOTOR CREDIT CORP,
TORRANCE, CA
DEBTOR: C B EQUIPMENT CO, KENT, WA
INTERPLASTIC DISTRIBUTION GROUP
LATEST INFO RECEIVED: 09/28/1999
ORIG. UCC FILED: 03/24/1997
ORIG. FILING NO: 970830339
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
WA

COLLATERAL: Equipment
FILING NO: 992500394
TYPE: Amendment
SEC. PARTY: TOYOTA MOTOR CREDIT CORP,
TORRANCE, CA
DEBTOR: C B EQUIPMENT CO, KENT, WA
INTERPLASTIC DISTRIBUTION GROUP
DATE FILED: 09/07/1999
LATEST INFO RECEIVED: 09/28/1999
ORIG. UCC FILED: 07/24/1995
ORIG. FILING NO: 952050575
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
WA

COLLATERAL: Equipment
FILING NO: 992500393
TYPE: Amendment
SEC. PARTY: TOYOTA MOTOR CREDIT CORP,
TORRANCE, CA
DEBTOR: INTERPLASTIC DISTRIBUTION GROUP
DATE FILED: 09/07/1999
LATEST INFO RECEIVED: 09/28/1999
ORIG. UCC FILED: 09/23/1994
ORIG. FILING NO: 942660252
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
WA

The public record items contained in this report may have been paid, terminated, vacated or released prior to the date this report was printed.

BANKING
06/00 Account(s) averages moderate 6 figures. Account open over 5 years.

HISTORY
03/16/00

JAMES D WALLenfELSZ, PRESIDENT-
CHIEF EXECUTIVE OFFICER+
ROBERT DE ROMA, SENIOR VICE
PRESIDENT
DAVID INGLSGARD, V PRES-FINANCE
MARK BROST, VICE PRESIDENT-
ADMINISTRATION-CONTROLLER
IVAN LEVY, VICE PRESIDENT-
GENERAL COUNSEL
DIRECTOR(S): The officers identified by (+)

CORPORATE AND BUSINESS REGISTRATIONS REPORTED BY THE SECRETARY
OF STATE OR OTHER OFFICIAL SOURCE AS OF 08/17/2000:

BUSINESS TYPE: Corporation -
Profit
DATE INCORPORATED: 05/04/1962
STATE OF INCORP: Minnesota

Trade styles unregistered. Used for general business purposes.
Business started 1962 by others. Present control succeeded 1983.
100% of capital stock is owned by James D Wallenfelsz.

-----BUSINESS HISTORY-----

The business was formed by a merger of Commercial Resins Corp,
Resco, Inc and Northern Fiberglass, Inc.

In 1980 100% of the capital stock of this company was purchased by Phillips Petroleum Company (Inc), Bartlesville, OK. In May 1983, in a leveraged transaction, all of the capital stock was purchased from Phillips Petroleum Company (Inc) by the officers and directors with James D Wallenfelsz being the majority owner. In Dec 1986 James D Wallenfelsz purchased the remainder of the stock and is now the sole stockholder.

Effective Mar 11 1993 the company purchased certain assets of the fiberglass and plastics division of Inland-Leidy Inc, Baltimore, MD. Operations will be conducted under the Interplastic Distribution Group of Interplastic Corporation.

In 1993 Interplastic Corporation acquired the Silmar Resins Division from BP Chemicals Inc.

In early 1994 the company sold its Bean Fiberglass Division. Operations of this division were not significant to the overall company.

-----MANAGEMENT BACKGROUND-----

JAMES D WALLENFELSZ born 1939. Attended Marquette University. 1957-60 employed as a group leader by Freeman Chemical Company, Port Washington, WI. 1960-62 employed by Mol-Rez Division of American Petrochemical Co, Minneapolis, MN. Started here in 1962.

MARK BROST born 1953. Graduated from Moorhead State University in 1975 with a BA degree. 1975-79 employed by Land O' Lakes, Minneapolis, MN as an audit manager. 1979-86 employed by Frigitronics Inc, Bloomington, MN as director of corporate accounting. Started here in 1986.

ROBERT DE ROMA born 1948. Graduated from University of Pittsburgh in 1970 with a BS degree. 1970-86 held various management positions at United States Chemical Corporation, Plantsville, CT. Started here in 1986.

IVAN LEVY born 1954. Graduated from University of Minnesota in 1981 with a JD degree. 1981-89 employed by Henretta, Lamm & Cross, Minneapolis, MN as an attorney. Started here in 1989.

DAVID INGLSGARD. 1998-present active here.

=====

OPERATION

03/16/00 Commercial Resins Division manufactures polyester and vinyl resins, gelcoats and color pastes.

Silmar Resins Division manufactures polyester resins.

Interplastic Distribution Group wholesales chemicals and allied products for the fiberglass reinforced plastics industry.

Molding Products Division manufactures sheet molding compounds.

The percentage of each function was withheld, however, the functions are listed in their order of importance.

-----O-----

Terms: Net 30 days. Has 2,000 account(s). Sells to manufacturers and distributors in the marine, housing and automobile industries. Territory : International (10% export sales). Nonseasonal.

EMPLOYEES: 330 which includes officer(s). 40 employed here.

FACILITIES: Owns 15,000 sq. ft. in a two story concrete block and brick building.

LOCATION: Industrial section on well traveled street.

BRANCHES: The business maintains distribution centers in the following locations: Atlanta, GA; Baton Rouge, LA; Baltimore, MD; Minneapolis, MN; Jaffrey, NH; Tulsa, OK; Nashville, TN; Dallas, Houston and San Antonio, TX.

-----O-----

The business also maintains the following manufacturing locations.

- (1) Molding Products Division, South Bend, IN.
- (2) Owns a 36,450 sq. ft. resin production facility at 2015 NE Broadway, Minneapolis, MN.
- (3) Leases a 30,000 sq. ft. gelcoat manufacturing facility, Vadnais Heights, MN.
- (4) Resin and gelcoat production facility, Pryor, OK.
- (5) Silmar Resins Division in Hawthorne, CA and Fort Wright, KY.

09-25(3XE /001)

00000

072184184 H

BANK: US Bank, 332 Minnesota St, Saint Paul, MN

FULL DISPLAY COMPLETE

| | | | | | | | | |
|--------------------------|---|-------|-------|-----|----|---|---|---|
| 7 Paperboard mill | 1 | 5,000 | 5,000 | 100 | - | - | - | - |
| 8 Mfg inorganic chemcls | 1 | 2,500 | 2,500 | 50 | 50 | - | - | - |
| 9 Truck terminal | 1 | 250 | 250 | 100 | - | - | - | - |
| 10 Mfg cleaning products | 1 | 100 | 100 | 100 | - | - | - | - |
| 11 OTHER INDUSTRIES | 2 | 200 | 100 | 100 | - | - | - | - |

Other Payment Categories:

| | | | |
|------------------------|---|-----|---|
| Cash experiences | 0 | 0 | 0 |
| Payment record unknown | 0 | 0 | 0 |
| Unfavorable comments | 0 | 0 | 0 |
| Placed for collection | | | |
| with D&B | 0 | 0 | |
| other | 0 | N/A | |

The highest "Now Owes" on file is \$1,000,000

The highest "Past Due" on file is \$400,000

The payment experiences in this report relate specifically to this branch location. Please refer to the headquarters report if you would like consolidated trade information for the headquarters and its branches.

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

Antic - Anticipated (Payments received prior to date of invoice)
Disc - Discounted (Payments received within trade discount period)
Ppt - Prompt (Payments received within terms granted)

| REPORTED | PAYING RECORD | HIGH CREDIT | NOW OWES | PAST DUE | SELLING TERMS | LAST SALE WITHIN |
|----------|------------------|----------------|-------------|-------------|------------------|---------------------|
| 12/99 | Ppt | 5000 | -0- | -0- | N15 | 6-12 Mos |
| | Ppt | 100 | -0- | -0- | | 6-12 Mos |
| | Ppt | 100 | 50 | -0- | | 1 Mo |
| | Ppt-Slow 30 | 1000 | 500 | -0- | N7 | 1 Mo |
| | Slow 60-90 | 50 | -0- | -0- | N7 | 4-5 Mos |
| 11/99 | Ppt-Slow 30 | 1000 | 750 | 750 | | 1 Mo |
| | Slow 10 | 15000 | 5000 | 1000 | N30 | 1 Mo |
| | Slow 30 | 100 | -0- | -0- | | 2-3 Mos |
| | Slow 30-60 | 500 | 500 | -0- | | 1 Mo |
| 10/99 | Ppt | 250 | 250 | -0- | N30 | 1 Mo |
| | Ppt | 100 | -0- | -0- | N30 | 2-3 Mos |
| | Ppt-Slow 60 | 750 | 250 | 250 | | 1 Mo |
| | Slow 20 | 2000000 | 1000000 | 400000 | | 1 Mo |
| 09/99 | Disc | 5000 | 5000 | -0- | 1 10 N30 | 1 Mo |
| | Ppt | 1000 | -0- | -0- | N30 | 2-3 Mos |
| | Ppt-Slow 15 | 2500 | 2500 | 2500 | | 6-12 Mos |
| 06/99 | Ppt | 10000 | 10000 | -0- | N30 | 1 Mo |
| | Ppt | 1000 | 500 | -0- | N30 | 1 Mo |
| 05/99 | Ppt | 1000 | -0- | -0- | N30 | 6-12 Mos |
| | Ppt | 50 | | | | 6-12 Mos |
| | Ppt | 50 | | | | 6-12 Mos |
| | Slow 120 | 100 | 100 | 100 | N30 | 6-12 Mos |
| 04/99 | Ppt | 100 | -0- | -0- | N30 | 4-5 Mos |
| 03/99 | Ppt-Slow 30 | 2500 | 2500 | 500 | N30 | 1 Mo |
| 12/98 | Ppt | 100 | -0- | -0- | | 6-12 Mos |

* Payment experiences reflect how bills are met in relation to the

terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

=====

OPERATION

04/19/96

This is a branch: headquarters are located at 1225 Wolters Blvd, Saint Paul, MN. Headquarters D-U-N-S 00-615-1336. Bills are paid generally from headquarters. This branch operates as a plastic resins mfg facility.

01-11(3VF /001)

000000

072184184

FULL DISPLAY COMPLETE

IN DATE

DUNS: 62-306-6966
INTERPLASTIC CORPORATION

DATE PRINTED
JAN 11 2000

RATING BRANCH

2015 N E BROADWAY
MINNEAPOLIS MN 55413
TEL: 612 331-6850

PLASTIC RESINS MFG EMPLOYS 60
FACILITY
SIC NO.
28 21

BRANCH MANAGER: GARY SEVERSON

* * * SUMMARY ANALYSIS * * *

RATING SUMMARY

The term "BRANCH" in the Rating field indicates that this company is a branch location. D&B Ratings do not appear on branch reports.

* * * PAYMENT SUMMARY * * *

The Payment Summary section reflects payment information in D&B's file as of the date of this report.

The PAYDEX for this company is 50.

This PAYDEX score indicates that payments to suppliers average 30 days beyond terms, weighted by dollar amounts. When dollar amounts are not considered, approximately 72% of the company's payments are within terms.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

| | TOTAL RCV'D | TOTAL DOLLAR AMOUNTS | LARGEST HIGH CREDIT | % W/IN TERMS | DAYS SLOW | | | |
|-------------------------|----------------|----------------------------|---------------------------|--------------------|-----------|-------|-------|-----|
| | # | \$ | \$ | % | <31 | 31-60 | 61-90 | 91+ |
| Total in D&B's file | 25 | 2,047,350 | 2,000,000 | | | | | |
| Top 10 Industries: | | | | | | | | |
| 1 Trucking non-local | 11 | 22,250 | 10,000 | 87 | 12 | 1 | - | - |
| 2 Nonclassified | 2 | 1,750 | 1,000 | 79 | - | 21 | - | - |
| 3 Telephone communictns | 2 | 200 | 100 | 100 | - | - | - | - |
| 4 Books-print/publish | 2 | 100 | 50 | 100 | - | - | - | - |
| 5 Mfg organic chemicals | 1 | 2,000,000 | 2,000,000 | - | 100 | - | - | - |
| 6 Whol electrical equip | 1 | 15,000 | 15,000 | - | 100 | - | - | - |

| | | | | | | | | |
|--------------------------|---|-------|-------|-----|----|---|---|---|
| 7 Paperboard mill | 1 | 5,000 | 5,000 | 100 | - | - | - | - |
| 8 Mfg inorganic chemcls | 1 | 2,500 | 2,500 | 50 | 50 | - | - | - |
| 9 Truck terminal | 1 | 250 | 250 | 100 | - | - | - | - |
| 10 Mfg cleaning products | 1 | 100 | 100 | 100 | - | - | - | - |
| 11 OTHER INDUSTRIES | 2 | 200 | 100 | 100 | - | - | - | - |

Other Payment Categories:

| | | | |
|------------------------|---|-----|---|
| Cash experiences | 0 | 0 | 0 |
| Payment record unknown | 0 | 0 | 0 |
| Unfavorable comments | 0 | 0 | 0 |
| Placed for collection | | | |
| with D&B | 0 | 0 | |
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| | Slow 60-90 | 50 | -0- | -0- | N7 | 4-5 Mos |
| 11/99 | Ppt-Slow 30 | 1000 | 750 | 750 | | 1 Mo |
| | Slow 10 | 15000 | 5000 | 1000 | N30 | 1 Mo |
| | Slow 30 | 100 | -0- | -0- | | 2-3 Mos |
| | Slow 30-60 | 500 | 500 | -0- | | 1 Mo |
| 10/99 | Ppt | 250 | 250 | -0- | N30 | 1 Mo |
| | Ppt | 100 | -0- | -0- | N30 | 2-3 Mos |
| | Ppt-Slow 60 | 750 | 250 | 250 | | 1 Mo |
| | Slow 20 | 2000000 | 1000000 | 400000 | | 1 Mo |
| 09/99 | Disc | 5000 | 5000 | -0- | 1 10 N30 | 1 Mo |
| | Ppt | 1000 | -0- | -0- | N30 | 2-3 Mos |
| | Ppt-Slow 15 | 2500 | 2500 | 2500 | | 6-12 Mos |
| 06/99 | Ppt | 10000 | 10000 | -0- | N30 | 1 Mo |
| | Ppt | 1000 | 500 | -0- | N30 | 1 Mo |
| 05/99 | Ppt | 1000 | -0- | -0- | N30 | 6-12 Mos |
| | Ppt | 50 | | | | 6-12 Mos |
| | Ppt | 50 | | | | 6-12 Mos |
| | Slow 120 | 100 | 100 | 100 | N30 | 6-12 Mos |
| 04/99 | Ppt | 100 | -0- | -0- | N30 | 4-5 Mos |
| 03/99 | Ppt-Slow 30 | 2500 | 2500 | 500 | N30 | 1 Mo |
| 12/98 | Ppt | 100 | -0- | -0- | | 6-12 Mos |

* Payment experiences reflect how bills are met in relation to the

RCRA CIVIL PENALTY POLICY

October 1990

RCRA CIVIL PENALTY POLICY

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The penalty calculation system established through EPA's RCRA Civil Penalty Policy consists of (1) determining a gravity-based penalty for a particular violation, from a penalty assessment matrix, (2) adding a "multi-day" component, as appropriate, to account for a violation's duration, (3) adjusting the sum of the gravity-based and multi-day components, up or down, for case specific circumstances, and (4) adding to this amount the appropriate economic benefit gained through non-compliance. More specifically, the Revised RCRA Civil Penalty Policy establishes the following penalty calculation methodology:

In administrative civil penalty cases, EPA will perform two separate calculations under this policy: (1) to determine an appropriate amount to seek in the administrative complaint and subsequent litigation, and (2) to explain and document the process by which the Agency arrived at the penalty figure it has agreed to accept in settlement. The methodology for these calculations will differ only in that no downward adjustments (other than those reflecting a violator's good faith efforts to comply with applicable requirements) will usually be included in the calculation of the proposed penalty for the administrative complaint. In those instances where the respondent or reliable information demonstrates prior to the issuance of the complaint that applying further downward adjustment factors (over and above those reflecting a violator's good faith efforts to comply) is appropriate, enforcement personnel may in their discretion (but are not required to) make such further downward adjustments in the amount of the penalty proposed in the complaint.

In determining the amount of the penalty to be included in the complaint, enforcement personnel should consider all possible ramifications posed by the violation and resolve any doubts (e.g., as to the application of adjustment factors or the assumptions underlying the amount of the economic benefit enjoyed by the violator) against the violator in a manner consistent with the facts and findings so as to preserve EPA's ability to litigate for the strongest penalty possible. It should be noted that assumptions underlying any upward adjustments or refusal to apply downward adjustments in the penalty amount are subject to revision later as new information becomes available.

In civil judicial cases, EPA will use the narrative penalty assessment criteria set forth in the policy to argue for as high a penalty as the facts of a case justify should the case go to trial, and will prepare a calculation which applies this policy to lay out the rationale behind any penalty amount the Agency agrees to accept in settlement.

Two factors are considered in determining the gravity-based penalty component:

- o potential for harm; and
- o extent of deviation from a statutory or regulatory requirement.

These two factors constitute the seriousness of a violation under RCRA, and have been incorporated into the following penalty matrix from which the gravity-based component will be chosen:

MATRIX

Extent of Deviation from Requirement

Potential
for
Harm

| | MAJOR | MODERATE | MINOR |
|----------|--------------------------|--------------------------|--------------------------|
| MAJOR | \$25,000 to 20,000 | \$19,999 to 15,000 | \$14,999 to 11,000 |
| MODERATE | \$10,999 to 8,000 | \$7,999 to 5,000 | \$4,999 to 3,000 |
| MINOR | \$2,999 to 1,500 | \$1,499 to 500 | \$499 to 100 |

The policy also explains how to factor into the calculation of the gravity component the presence of multiple and multi-day (continuing) violations. The policy provides that for days 2 through 180 of multi-day violations, multi-day penalties are mandatory, presumed, or discretionary, depending on the "potential for harm" and "extent of deviation" of the violations. For each day for which multi-day penalties are sought, the penalty amounts must be determined using the multi-day penalty matrix. The penalty amounts in the multi-day penalty matrix range from 5% to 20% (with a minimum of \$100 per day) of the penalty amounts in the corresponding gravity-based matrix cells. Regions also retain discretion to impose multi-day penalties (1) of up to \$25,000 per day, when appropriate under the circumstances, and (2) for days of violation after the first 180, as needed to achieve deterrence.

Where a company has derived significant savings or profits by its failure to comply with RCRA requirements, the amount of economic benefit from noncompliance gained by the violator will be calculated and added to the gravity-based penalty amount. The Agency has developed and made available to Agency personnel a computer model that can quickly and accurately calculate economic benefit - BEN.¹

After the appropriate gravity-based penalty amount (including the multi-day component) has been determined, it may be adjusted upward or downward to reflect particular circumstances surrounding the violation. Except in the unusual circumstances outlined in Section VIII the amount of any economic benefit enjoyed by the violator is not subject to adjustment. When adjusting the gravity-based penalty amount the following factors should be considered:

- o good faith efforts to comply/lack of good faith (upward or downward adjustment);
- o degree of willfulness and/or negligence (upward or downward adjustment);
- o history of noncompliance (upward adjustment);
- o ability to pay (downward adjustment);
- o environmental projects to be undertaken by the violator (downward adjustment); and
- o other unique factors, including but not limited to the risk and cost of litigation (upward or downward adjustment).

These factors (with the exception of (i) upward adjustment factors such as history of noncompliance, and (ii) the statutory downward adjustment factor reflecting a violator's good faith efforts to comply) should usually be considered after the penalty in the complaint has been proposed, i.e., during the settlement stage.

A detailed discussion of the policy follows. In addition, this document includes a few hypothetical cases where the step-by-step assessment of penalties is illustrated. The steps included are choosing the correct penalty cell on the matrix, calculating the economic benefit of noncompliance, where

¹ For more information regarding the BEN model, call the Office of Enforcement Policy located within the Office of Enforcement, at 475-8777.

appropriate, and adjusting the penalty assessment on the basis of the factors set forth above.

II. INTRODUCTION

To respond to the problem of improper management of hazardous waste, Congress amended the Solid Waste Disposal Act with the Resource Conservation and Recovery Act (RCRA) of 1976. Although the Act has several objectives, Congress' overriding purpose in enacting RCRA was to establish the basic statutory framework for a national system that would ensure the proper management of hazardous waste. Since 1976, the Solid Waste Disposal Act has been amended by the Quiet Communities Act of 1978, P.L. 95-609, the Used Oil Recycling Act of 1980, P.L. 96-463, the Hazardous and Solid Waste Amendments of 1984, P.L. 98-221, the Safe Drinking Water Act Amendments of 1986, P.L. 99-39, the Superfund Amendments and Reauthorization Act of 1988, P.L. 99-499, and most recently, the Medical Waste Tracking Act of 1988, P.L. 100-582. For simplicity and convenience, the Solid Waste Disposal Act, as amended, will hereinafter be referred to as "RCRA."

Section 3008(a) of RCRA, 42 U.S.C. §6928(a), provides that if any person has violated or is in violation of a requirement of Subtitle C, the Administrator of the Environmental Protection Agency (EPA) may, among other options, issue an order assessing a civil penalty of up to \$25,000 per day for each violation. Section 3008(a)(3), 42 U.S.C. §6928(a)(3), provides that any order assessing a penalty shall take into account:

- o the seriousness of the violation, and
- o any good faith efforts to comply with the applicable requirements.

Section 3008(g) applies to civil judicial enforcement actions and establishes liability to the United States for civil penalties of up to \$25,000 per day for each violation of Subtitle C.

This document sets forth the Agency's policy and internal guidelines for determining penalty amounts which (1) should be sought in administrative complaints filed under RCRA²

² This policy is in no way intended to limit the penalty amounts sought in civil judicial actions. In civil judicial actions brought pursuant to RCRA the United States will at its discretion continue to file complaints requesting up to the statutory maximum civil penalty amount and to litigate for the maximum amount justifiable on the facts of the case.

and (2) would be acceptable in settlement of administrative and judicial enforcement actions under RCRA. This policy also governs civil penalty calculations under the Medical Waste Tracking Act of 1988, 42 U.S.C. § 6922 et seq., and supersedes the guidance document entitled, "Applicability of RCRA Penalty Policy to LOIS Cases (November 16, 1987)". It does not, however, apply to penalties assessed under Subtitle I (UST) of RCRA, 42 U.S.C. § 6991 et seq.

The purposes of the policy are to ensure that RCRA civil penalties are assessed in a fair and consistent manner; that penalties are appropriate for the gravity of the violation committed; that economic incentives for noncompliance with RCRA requirements are eliminated; that penalties are sufficient to deter persons from committing RCRA violations; and that compliance is expeditiously achieved and maintained.

This document does not address whether assessment of a civil penalty is the correct enforcement response to a particular violation. Rather, this document focuses on determining the proper civil penalty amount that the Agency should obtain once a decision has been made that a civil penalty is the proper enforcement remedy to pursue. For guidance on when to assess administrative penalties, enforcement personnel should consult the RCRA Enforcement Response Policy, December 21, 1987. The Enforcement Response Policy provides a general framework for identifying violations and violators of concern as well as guidance on selecting the appropriate enforcement action in response to various RCRA violators.

The 1990 RCRA Civil Penalty Policy is immediately applicable and should be used to calculate penalties sought in all RCRA administrative complaints or accepted in settlement of both administrative and judicial civil enforcement actions brought under the statute after the date of the policy, regardless of the date of the violation. To the maximum extent practicable, the policy shall also apply to the settlement of administrative and judicial enforcement actions instituted prior to but not yet resolved as of the date the policy is issued.

The procedures set out in this document are intended solely for the guidance of government personnel. They are not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party in litigation with the United States. The Agency reserves the right to at variance with this policy and to change it at any time without public notice.

III. RELATIONSHIP TO AGENCY PENALTY POLICY

The RCRA Civil Penalty Policy sets forth a system for pursuing penalties consistent with the established goals of the Agency's civil penalty policy which was issued on February 16, 1984. These goals consist of:

- o Deterrence;
- o Fair and equitable treatment of the regulated community; and
- o Swift resolution of environmental problems.

The RCRA penalty policy also adheres to the Agency policy's framework for assessing civil penalties by:

- o Calculating a preliminary deterrence amount consisting of a gravity component and a component reflecting a violator's economic benefit of noncompliance; and
- o Applying adjustment factors to account for differences between cases.

IV. DOCUMENTATION AND RELEASE OF INFORMATION

A. DOCUMENTATION FOR PENALTY SOUGHT IN ADMINISTRATIVE COMPLAINT/LITIGATION

In order to support the penalty proposed in the complaint, enforcement personnel must include in the case file an explanation of how the proposed penalty amount was calculated. As a sound case management practice in administrative cases, a case "record" file should document or reference all factual information on which EPA will need to rely to support the penalty amount sought in the complaint. Full documentation of the reasons and rationale for the penalty complaint amount is important to expeditious, successful administrative enforcement of RCRA violations. The documentation should include all relevant information and documents which served as the basis for the penalty complaint amount and were relied upon by the Agency decision-maker. In general, only final documents, but not preliminary documents, such as drafts and internal memoranda reflecting earlier deliberations, should be included in the record file. All documentation supporting the penalty calculation should be in the record file at the time the complaint is issued. The documentation should be supplemented to

include a justification for any adjustments to the penalty amount in the complaint made after initial issuance of the complaint, if such adjustments are necessary.

Additionally, Agency regulations governing administrative assessment of civil penalties, at 40 CFR 22.14(a)(5) and (c), require that the complaint contain a statement which sets forth the Agency's basis for requesting the actual amount of the penalty being sought. To ensure that RCRA administrative complaints comply with the statute and the rules, as long as sufficient facts are alleged in the complaint, enforcement personnel may plead the following:

Based upon the facts alleged in this Complaint and upon those factors which the Complainant must consider pursuant to Section 3008(a)(3) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6928(a)(3) (as discussed in the RCRA Civil Penalty Policy), including the seriousness of the violations, any good faith efforts by the respondent to comply with applicable requirements, and any economic benefit accruing to the respondent, as well as such other matters as justice may require, the Complainant proposes that the Respondent be assessed the following civil penalty for the violations alleged in this Complaint:

| | |
|---------------|----------|
| Count 1 | \$25,000 |
| Count 2 | \$80,000 |

Enforcement personnel may use the above general language in the complaint, but must be prepared to present at the pre-hearing conference or evidentiary hearing more detailed information reflecting the specific factors weighed in calculating the penalty proposed in the complaint. For example, evidence of specific instances where the violation actually did, could have, or still might result in harm could be presented to the trier of fact to illustrate the potential for harm factor of the penalty. Experience also suggests that the Agency may be called upon, before the hearing, to present to the trier of fact and the respondent the penalty computation worksheet supporting the proposed penalty amount sought in the complaint.³

Usually the record supporting the penalty amount specified in the complaint should include a penalty computation worksheet which explains the potential for harm, extent of deviation from statutory or regulatory requirements, economic benefit of non-

³ See City of Kalamazoo Water Reclamation Plant, CWA-AO-01-89 (March 16, 1989), where the Administrative Law Judge required EPA to provide its penalty computation worksheet to respondent during the prehearing exchange.

compliance, and any adjustment factors applied (e.g., good faith efforts to comply). Also the record should include any inspection reports and other documents relating to the penalty calculation.

B. DOCUMENTATION OF PENALTY SETTLEMENT AMOUNT

Until settlement discussions or pre-hearing information exchange are held with the respondent, mitigating and equitable factors and overall strength of the Agency's enforcement case may be difficult to assess. Accordingly, preparation of a penalty calculation worksheet for purposes of establishing the Agency's settlement position on penalty amount may not be feasible prior to the time that negotiations with the violator commence. Once the violator has presented the Region with its best arguments relative to penalty mitigation the Region may, at its discretion, complete a penalty calculation worksheet to establish its initial "bottom line" settlement position. However, at a minimum, prior to final approval of any settlement, whether administrative or judicial, enforcement personnel should complete a final worksheet and narrative explanation which provides the rationale for the final settlement amount to be included in the case file for internal management use and oversight purposes only. As noted above, enforcement personnel may, in arriving at a penalty settlement amount, deviate significantly from the penalty amount sought in an administrative complaint, provided such discretion is exercised in accordance with the provisions of this policy.

C. RELEASE OF INFORMATION

Release of information to members of the public relating to the use of the 1990 RCRA Civil Penalty Policy in enforcement cases is governed by the Freedom of Information Act (FOIA) 5 USC §552, and the Agency regulations implementing that act, 40 CFR Part 2. FOIA as implemented through Agency regulations, sets forth procedural and substantive requirements governing the disclosure of information by Federal agencies. While the Agency maintains a policy of openness and freely discloses much of what is requested by the public, there are a number of exemptions in FOIA which allow the Agency to withhold and protect from disclosure certain documents and information in appropriate circumstances.

In ongoing enforcement cases, documents and other material that deal with establishing the appropriate amount of a civil penalty (particularly penalty computation worksheets) may be covered by two different FOIA exemptions. Documents that support or relate to the amount of the civil penalty the Agency would be willing to accept in settlement are likely to fall within the scope of these exemptions and in many cases can be withheld. Documents that support or relate to the amount of a penalty the Agency has

proposed in an administrative complaint may also qualify for protection under the exemptions.

FOIA, Exemption 7, as codified at 40 CFR 2.118(a)(7), allows such documents to be withheld if release could reasonably be expected to interfere with an enforcement proceeding. This exemption extends to all stages of law enforcement activities, from initial investigation to completion. Once the enforcement action has been completed, however, this exemption can no longer be used to withhold information. Nonetheless, there is potentially another avenue under FOIA which may be used in appropriate circumstances to protect sensitive documents.

FOIA, Exemption 5, as codified at 40 CFR 2.118(a)(5), protects from disclosure Agency documents and information that are classified as attorney work product, as well as pre-decisional deliberative documents. The attorney work product privilege protects sensitive decisions and recommendations made in analyzing and choosing appropriate enforcement options, and planning legal strategy, in response to violations of legal requirements. Such documents must be prepared in anticipation of litigation by, or at the direction of, an attorney. The purpose of the deliberative process privilege is to preserve the quality of Agency decisions by encouraging honest and frank discussion within the Agency. The process of developing penalty calculations may fall within the parameters of both attorney work product and deliberative process; thus, withholding under FOIA Exemption 5 may be appropriate.

An important distinction between the two exemptions discussed is that the protective scope of Exemption 5 does not end when the enforcement process is completed. Thus, under Exemption 5, penalty calculations may be protected from disclosure at any time.

The Agency may waive the protection afforded by FOIA and release exempt documents in its discretion in appropriate cases, without jeopardizing future use of a FOIA exemption in another case. Such discretionary waivers should be made on a case-by-case basis, balancing the public interest served by allowing the release and the Agency's policy of openness against the harm to the Agency caused by release. Generally, such releases should only be made when settlement will be facilitated. Because issues relating to FOIA and application of its exemptions require special attention, the Regional Freedom of Information Act Officer or appropriate attorney in the Office of Regional Counsel should be consulted whenever any request is made by a member of the public relating to the application of the RCRA Penalty Policy in general or in a specific enforcement action.

The penalty computation worksheet to be included in the case file is attached. (See: Section X, Appendix.)

V. RELATIONSHIP BETWEEN PENALTY AMOUNT SOUGHT IN AN ADMINISTRATIVE COMPLAINT AND ACCEPTED IN SETTLEMENT

When read together, 40 C.F.R. 22.14(a) and (c) suggest that the Agency must include in any administrative complaint filed pursuant to RCRA Section 3008(a) a proposed penalty (the dollar amount of which has been determined in accordance with the applicable Agency penalty policy) and a statement of the reasoning behind this proposed penalty. Indeed, in several cases such a requirement has been imposed on the Agency in administrative enforcement actions subject to the 40 C.F.R. Part 22 hearing procedures.⁴ The penalty policy not only facilitates compliance with the cited regulations by requiring that enforcement personnel calculate a proposed penalty (and include this amount and the underlying rationale for adopting it in the complaint), but also establishes a methodology for calculating penalty amounts which would be acceptable to EPA in settlement of administrative and judicial enforcement actions. The Agency expects that the dollar amount of the proposed penalty included in the administrative complaint will often exceed the amount of the penalty the Agency would accept in settlement. This may be so for several reasons.

First, at the time the complaint is filed, the Agency will often not be aware of mitigating factors (then known only to the respondent) on the basis of which the penalty may be adjusted downward. Second, it is appropriate that the Agency have the enforcement discretion to accept in settlement a lower penalty than it has sought in its complaint, because in settling a case the Agency is able to avoid the costs and risks of litigation. Moreover respondents must perceive that they face some significant risk of higher penalties through litigation to have appropriate incentives to agree to penalty amounts acceptable to the Agency in settlement.

⁴ See, Katzson Bros. Inc. v. EPA, 839 F. 2d 1396, (10th Cir. Feb. 22, 1988), in which the court held that administrative reviews of the default penalty amount for a FIFRA violation were inadequate because they failed to analyze the factual basis for the civil penalty; and Environmental Protection Corporation v. Thomas, No. 87-447, slip op. (E.D. Cal. July 14, 1988), where the court held that 40 CFR 22.14(a) requires that the Agency provide defendants with the factual basis and rationale for the Agency's penalty determination for a RCRA violation, so as to allow the person being penalized an opportunity to mount a defense in the matter.

Therefore, Agency enforcement personnel should, as necessary, prepare two separate penalty calculations for each administrative proceeding -- one to support the initial proposed penalty included in the complaint and the other to be placed in the administrative file as support for the final penalty amount the Agency accepts in settlement. ⁵ In calculating the amount of the proposed penalty to be included in the administrative complaint, Agency personnel should total (1) the gravity-based penalty amount (including any multi-day component) and (2) an amount reflecting upward adjustments ⁶ of the penalty and subtract from this sum an amount reflecting any downward adjustments in the penalty based solely on respondent's "good faith efforts" ⁷ to comply with applicable requirements about which the Agency is aware. This total should then be added to the amount of any economic benefit accruing to the violator. The result will be the proposed penalty the Agency will seek in its complaint.

⁵ In judicial actions it will generally only be necessary to calculate a penalty amount to support any penalty the Agency is to accept in settlement. The United States is, of course, free to argue to the court in judicial actions that the penalty figure it seeks is consistent with the rationale underlying the penalty policy.

⁶ While the Agency may at this early juncture have limited knowledge of facts necessary to calculate any upward adjustments in the penalty it should be remembered that amendments to the complaint (including the amount of the proposed penalty) may be made after an answer is filed only with the leave of the presiding officer. See 40 C.F.R. 22.14(d).

⁷ Since Section 3008(a)(3) of RCRA requires that a violator's "good faith efforts to comply with applicable requirements" be considered by the Agency in assessing any penalty, it is appropriate that this factor be weighed in calculating the proposed penalty based on information available to EPA. While Section 3008(a)(3) also requires that the Agency weigh the seriousness of the violation in assessing a penalty, this requirement is satisfied by including a gravity-based component which reflects the seriousness (i.e., the potential for harm and extent of deviation from applicable requirements) of the violation. As noted above, enforcement personnel may in their discretion further adjust the amount of the proposed penalty downward where the violator or information obtained from other sources has convincingly demonstrated prior to the time EPA files the administrative complaint that application of additional downward adjustment factors is warranted.

The methodology for determining and documenting the penalty figure the Agency accepts in settlement should be basically identical to that employed in calculating the proposed penalty included in the complaint, but should also include consideration of (1) any new and relevant information obtained from the violator or elsewhere, and (2) all other downward adjustment factors (in addition to the "good faith efforts" factor weighed in calculating the proposed penalty appearing in the complaint).

It may be noted here that the RCRA Penalty Policy serves as guidance not only to Agency personnel charged with responsibility for calculating appropriate penalty amounts for RCRA violations but also under 40 CFR §22.27(b) to judicial officers presiding over administrative proceedings at which proper penalty amounts for violations redressable under RCRA Sections 3008(a) and (g) are at issue. Such judicial officers thus have discretion to apply most of the upward or downward adjustment factors described in this policy in determining what penalty should be imposed on a violator. However, judgments as to whether a penalty should be reduced in settlement because (1) the violator is willing to undertake an environmental project in settlement of a penalty claim, or (2) the Agency faces certain litigative risks in proceeding to hearing or trial, are decisions involving matters of policy and prosecutorial discretion which by their nature are only appropriate to apply in the context of settling a penalty claim. It is therefore contemplated that decisionmakers in administrative proceedings would not adjust penalty amounts downward based upon their assessment of either the litigative risks faced by the Agency or a violator's willingness to undertake an environmental project in lieu of paying part of a penalty.

VI. DETERMINATION OF GRAVITY-BASED PENALTY AMOUNT

RCRA Section 3008(a)(3) states that the seriousness of a violation must be taken into account in assessing a penalty for the violation. The gravity-based component is a measure of the seriousness of a violation. The gravity-based penalty amount should be determined by examining two factors:

- o potential for harm; and
- o extent of deviation from a statutory or regulatory requirement.

A. POTENTIAL FOR HARM

The RCRA requirements were promulgated in order to prevent harm to human health and the environment. Thus, noncompliance with any RCRA requirement can result in a situation where there is a potential for harm to human health or the environment. Even violations such as recordkeeping violations create a risk of harm to the environment or human health by jeopardizing the integrity of the RCRA regulatory program. Accordingly, the assessment of the potential for harm resulting from a violation should be based on two factors:

- o the risk of human or environmental exposure to hazardous waste and/or hazardous constituents that may be posed by noncompliance, and
- o the adverse effect noncompliance may have on statutory or regulatory purposes or procedures for implementing the RCRA program.

1. Risk of Exposure

The risk of exposure presented by a given violation depends on both the likelihood that human or other environmental receptors may be exposed to hazardous waste and/or hazardous constituents and the degree of such potential exposure. Evaluating the risk of exposure may be simplified by considering the factors which follow below.

a. Probability of Exposure

Where a violation involves the actual management of waste, a penalty should reflect the probability that the violation could have resulted in, or has resulted in a release of hazardous waste or constituents, or hazardous conditions creating a threat of exposure to hazardous waste or waste constituents. The determination of the likelihood of a release should be based on whether the integrity and/or stability of the waste management unit is likely to have been compromised.

Some factors to consider in making this determination would be:

- o evidence of release (e.g., existing soil or groundwater contamination)
- o evidence of waste mismanagement (e.g., rusting drums), and
- o adequacy of provisions for detecting and preventing

a release (e.g., monitoring equipment and inspection procedures).

A larger penalty is presumptively appropriate where the violation significantly impairs the ability of the hazardous waste management system to prevent and detect releases of hazardous waste and constituents.

b. Potential Seriousness of Contamination

When calculating risk of exposure, enforcement personnel should weigh the harm which would result if the hazardous waste or constituents were in fact released to the environment.

Some factors to consider in making this determination would be:

- o quantity and toxicity of wastes (potentially) released
- o likelihood or fact of transport by way of environmental media (e.g., air and groundwater), and
- o existence, size, and proximity of receptor populations (e.g., local residents, fish, and wildlife, including threatened or endangered species) and sensitive environmental media (e.g., surface waters and aquifers).

In considering the risk of exposure, the emphasis is placed on the potential for harm posed by a violation rather than on whether harm actually occurred. The presence or absence of direct harm in a noncompliance situation is something over which the violator may have no control. Such violators should not be rewarded with lower penalties simply because the violations happened not to have resulted in actual harm.

2. Harm To The RCRA Regulatory Program

There are some requirements of the RCRA program which, if violated, may not be likely to give rise directly or immediately to a significant risk of contamination. Nonetheless, all regulatory requirements are fundamental to the continued integrity of the RCRA program. Violations of such requirements may have serious implications and merit substantial penalties where the violation undermines the statutory or regulatory purposes or procedures for implementing the RCRA program. Some examples of this kind of regulatory harm include:

- o failure to notify as a generator or transporter of hazardous waste, and/or owner/operator of a hazardous waste facility pursuant to section 3010
- o failure to comply with financial assurance requirements
- o failure to submit a timely/adequate Part B application
- o failure to respond to a formal information request
- o operating without a permit or interim status
- o failure to prepare or maintain a manifest
- o failure to install or conduct adequate groundwater monitoring.

3. General

a. Evaluating the Potential for Harm

Enforcement personnel should evaluate whether the potential for harm is major, moderate, or minor in a particular situation. The degree of potential harm represented by each category is defined as:

MAJOR (1) the violation poses or may pose a substantial risk of exposure of humans or other environmental receptors to hazardous waste or constituents; and/or

(2) the actions have or may have a substantial adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

MODERATE (1) the violation poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents; and/or

(2) the actions have or may have a significant adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

MINOR (1) the violation poses or may pose a relatively low risk of exposure of humans or other environmental receptors to hazardous waste or constituents; and/or

(2) the actions have or may have a small adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.

The examples which follow illustrate the differences between major, moderate, and minor potential for harm. Just as important as the violation involved are the case specific factors surrounding the violation. Enforcement personnel should avoid automatic classification of particular violations.

b. Examples

1. Major Potential for Harm

40 CFR §265.143 requires that owners or operators of hazardous waste facilities establish financial assurance to ensure that funds will be available for proper closure of facilities. Under §265.143(a)(2), the wording of a trust agreement establishing financial assurance for closure must be identical to the wording specified in 40 CFR §264.151(a)(1). Failure to word the trust agreement as required may appear inconsequential. However, even a slight alteration of the language could change the legal effect of the financial instrument so that it would no longer satisfy the intent of the regulation thereby preventing the funds from being available for closure. Such a facility could potentially become another abandoned hazardous waste site. When the language of the agreement differs from the requirement such that funds would not be available to close the facility properly, the lack of identical wording would have a substantial adverse effect on the regulatory scheme (and, to the extent the closure process is adversely affected, could pose a substantial risk of exposure). This violation would therefore be assigned to the major potential for harm category.

2. Moderate Potential for Harm

Under 40 CFR §262.34, a generator may accumulate hazardous waste on-site for 90 days or less without having interim status or a permit provided that, among other requirements, each container or tank of waste is marked clearly with the words "Hazardous Waste." In a situation where a generator is storing compatible wastes, has labeled half of its containers, and has clearly identified its storage area as a hazardous waste storage area, there is some indication that the unlabeled containers hold hazardous waste. However, because there is a chance that the unlabeled containers could be removed from the storage area, and because it would be difficult to determine whether hazardous waste had been stored for more than 90 days, this situation poses a significant likelihood of exposure to hazardous waste (although

the likelihood is not as great as it would be if neither the storage area nor any of the containers were marked). The moderate potential for harm category would be appropriate in this case.

3. Minor Potential for Harm

Owners or operators of hazardous waste facilities must, under 40 CFR §265.53, submit a copy of their contingency plans to all police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services. If a facility has a complete contingency plan, including a description of arrangements agreed to by local entities to coordinate emergency services (§265.52), but had failed to submit copies of the plan to all of the necessary agencies, this would create a potential for harm. Enforcement personnel would need to examine the impact that failure to send the plan to the necessary agencies would have on these agencies' ability to respond in an emergency situation. If a complete plan existed and arrangements with all of the local entities had been agreed to, the likelihood of exposure and adverse effect on the implementation of RCRA may be relatively low. The minor potential for harm category could be appropriate for such a situation.

B. EXTENT OF DEVIATION FROM REQUIREMENT

The "extent of deviation" from RCRA and its regulatory requirements relates to the degree to which the violation renders inoperative the requirement violated. In any violative situation, a range of potential noncompliance with the subject requirement exists. In other words, a violator may be substantially in compliance with the provisions of the requirement or it may have totally disregarded the requirement (or a point in between). In determining the extent of the deviation, the following categories should be used:

- MAJOR: the violator deviates from requirements of the regulation or statute to such an extent that most (or important aspects) of the requirements are not met resulting in substantial noncompliance.
- MODERATE: the violator significantly deviates from the requirements of the regulation or statute but some of the requirements are implemented as intended.
- MINOR: the violator deviates somewhat from the regulatory or statutory requirements but most (or all important aspects) of the requirements are met.

A few examples will help demonstrate how a given violation is to be placed in the proper category:

Example 1 - Closure Plan

40 CFR §265.112 requires that owners or operators of treatment, storage, and disposal facilities have a written closure plan. This plan must identify the steps necessary to completely or partially close the facility at any point during its intended operating life. Possible violations of the requirements of this regulation range from having no closure plan at all to having a plan which is somewhat inadequate (e.g., it omits one minor step in the procedures for cleaning and decontaminating the equipment while complying with the other requirements). Such violations should be assigned to the "major" and "minor" categories respectively. A violation between these extremes might involve failure to modify a plan for increased decontamination activities as a result of a spill on-site and would be assigned to the moderate category.

Example 2 - Failure to Maintain Adequate Security

40 CFR §265.14 requires that owners or operators of treatment, storage, and disposal facilities take reasonable care to keep unauthorized persons from entering the active portion of a facility where injury could occur. Generally, a physical barrier must be installed and any access routes controlled.

The range of potential noncompliance with the security requirements is quite broad. In a particular situation, the violator may prove to have totally failed to supply any security systems. Total noncompliance with regulatory requirements such as this would result in classification into the major category. In contrast, the violation may consist of a small oversight such as failing to lock an access route on a single occasion. Obviously, the degree of noncompliance in the latter situation is less significant. With all other factors being equal, the less significant noncompliance should draw a smaller penalty assessment. In the matrix system this is achieved by choosing the minor category.

C. PENALTY ASSESSMENT MATRIX

Each of the above factors--potential for harm and extent of deviation from a requirement--forms one of the axes of the penalty assessment matrix. The matrix has nine cells, each containing a penalty range. The specific cell is chosen after determining which category (major, moderate, or minor) is appropriate for the

potential for harm factor, and which category is appropriate for the extent of deviation factor. The complete matrix is illustrated below:

Extent of Deviation from Requirement

| Potential for Harm | Extent of Deviation from Requirement | | |
|--------------------------|--------------------------------------|--------------------------|--------------------------|
| | MAJOR | MODERATE | MINOR |
| | MAJOR | \$25,000 to 20,000 | \$19,999 to 15,000 |
| | | \$14,999 to 11,000 | |
| | MODERATE | \$10,999 to 8,000 | \$7,999 to 5,000 |
| | | \$4,999 to 3,000 | |
| | MINOR | \$2,999 to 1,500 | \$1,499 to 500 |
| | | \$499 to 100 | |

The lowest cell (minor potential for harm/minor extent of deviation) contains a penalty range from \$100 to \$499. The highest cell (major potential for harm/major extent of deviation) is limited by the maximum statutory penalty allowance of \$25,000 per day for each violation.

The selection of the exact penalty amount within each cell is left to the discretion of enforcement personnel in any given case. The range of numbers provided in each matrix cell serves as a "fine tuning" device to allow enforcement personnel to better adapt the penalty amount to the gravity of the violation and its surrounding circumstances. In selecting a dollar figure from this range it is appropriate to consider such factors as the seriousness of the violation (relative to other violations falling within the same matrix cell), efforts at remediation or the degree of cooperation evidenced by the facility (to the extent this factor is not to be accounted for in subsequent adjustments to the penalty amount), the size and sophistication of the violator, the number of days of violation, and other relevant matters. For guidance on recalculation of the gravity based penalty based on new information see Section IX A.2.

VII. MULTIPLE AND MULTI-DAY PENALTIES

A. PENALTIES FOR MULTIPLE VIOLATIONS

In certain situations, EPA may find that a particular firm has violated several different RCRA requirements. A separate penalty should be sought in a complaint and obtained in

settlement or litigation for each separate violation that results from an independent act (or failure to act) by the violator and is substantially distinguishable from any other charge in the complaint for which a penalty is to be assessed. A given charge is independent of, and substantially distinguishable from, any other charge when it requires an element of proof not needed by the others. In many cases, violations of different sections of the regulations constitute independent and substantially distinguishable violations. For example, failure to implement a groundwater monitoring program, 40 CFR §265.90, and failure to have a written closure plan, 40 CFR §265.112, are violations which can be proven only if the Agency substantiates different sets of factual allegations. In the case of a firm which has violated both of these sections of the regulations, a separate count should be charged for each violation. For litigation or settlement purposes, each of the violations should be assessed separately and the amounts added to determine a total penalty to pursue.

It is also possible that different violations of the same section of the regulations could constitute independent and substantially distinguishable violations. For example, in the case of a firm which has open containers of hazardous waste in its storage area, 40 CFR §265.173(a), and which also ruptured these or different hazardous waste containers while moving them on site, 40 CFR §265.173(b), there are two independent acts. While the violations are both of the same regulatory section, each requires distinct elements of proof. In this situation, two counts with two separate penalties would be appropriate. For penalty purposes, each of the violations should be assessed separately and the amounts totalled.

Penalties for multiple violations also should be sought in litigation or obtained in settlement where one company has violated the same requirement in substantially different locations. An example of this type of violation is failure to clean up discharged hazardous waste during transportation, 40 CFR §263.31. A transporter who did not clean up waste discharged in two separate locations during the same trip should be charged with two counts. In these situations the separate locations present separate and distinct risks to public health and the environment. Thus, separate penalty assessments are justified.

Similarly, penalties for multiple violations are appropriate when a company violates the same requirement on separate occasions not cognizable as multi-day violations (See Section VII.B.) An example would be the case where a facility fails for a year to take required quarterly groundwater monitoring samples.

In general, penalties for multiple violations may be less likely to be appropriate where the violations are not independent or substantially distinguishable. Where a charge derives from or merely restates another charge, a separate penalty may not be warranted. For example, if a corporate owner/operator of a facility submitted a permit application with a cover letter, signed by the plant manager's secretary, but failed to sign the application, 40 CFR §270.11 (a), and also thereby failed to have the appropriate responsible corporate officer sign the application, 40 CFR §270.11 (a)(1) the owner/operator has violated the requirement that the application be signed by a responsible corporate officer. EPA has the discretion to view the violations resulting from the same factual event, failure to sign the application at all, and failure to have the person legally responsible for the permit application sign it, as posing one legal risk. In this situation, both sections violated should be cited in the complaint, but one penalty, rather than two, may be appropriate to pursue in litigation or obtain in settlement, depending upon the facts of a case. The fact that two separate sections were violated may be taken into account in choosing higher "potential for harm" and "extent of deviation" categories on the penalty matrix.

There are instances where a company's failure to satisfy one statutory or regulatory requirement either necessarily or generally leads to the violation of numerous other independent regulatory requirements. Examples are the case where (1) a company through ignorance of the law fails to obtain a permit or interim status as required by Section 3005 of RCRA and as a consequence runs afoul of the numerous other (regulatory) requirements imposed on it by 40 CFR Part 265, or (2) a company fails to install groundwater monitoring equipment as required by 40 CFR §§ 265.90 and 265.91 and is thus unable to comply with other requirements of Subpart F of Part 265 (e.g., requirements that it develop a sampling plan, keep the plan at the facility, undertake quarterly monitoring, prepare an outline of a groundwater quality assessment program, etc.). In cases such as these where multiple violations result from a single initial transgression, assessment of a separate penalty for each distinguishable violation may produce a total penalty which is disproportionately high. Accordingly, in the specifically limited circumstances described, enforcement personnel have discretion to forego separate penalties for certain distinguishable violations, so long as the total penalty for all related violations is appropriate considering the gravity of the offense and sufficient to deter similar future behavior and recoup economic benefit.

B. PENALTIES FOR MULTI-DAY VIOLATIONS

RCRA provides EPA with the authority to assess in administrative actions or seek in court civil penalties of up to \$25,000 per day of non-compliance for each violation of a requirement of Subtitle C (or the regulations which implement that subtitle). This language explicitly authorizes the Agency to consider the duration of each violation as a factor in determining an appropriate total penalty amount. Accordingly, any penalty assessed should consist of a gravity-based component, economic benefit component, and to the extent that violations can be shown or presumed to have continued for more than one day, an appropriate multi-day component. The multi-day component should reflect the duration of the violation at issue, subject to the guidelines set forth in Section VII C., below.

After it has been determined that any of the violations alleged has continued for more than one day, the next step is to determine the length of time each violation continued and whether a multi-day penalty is mandatory, presumed, or discretionary. In most instances, the Agency should only seek to obtain multi-day penalties, if a multi-day penalty is appropriate, for the number of days it can document that the violation in question persisted. However, in some circumstances reasonable assumptions as to the duration of a violation can be made. For example, a violation by an owner/operator of a land disposal facility for operating after it had lost interim status pursuant to RCRA §3005(e)(2) can generally be deemed to have begun on November 8, 1985, and continued at least until the time of the last inspection in which it was determined the facility was being operated without interim status. In the case where an inspection reveals that a facility has no groundwater monitoring wells in place it can be assumed, in the absence of evidence to the contrary, that the facility has never had any wells. Here the violation can be treated as having commenced on the day that waste management operations triggering the Part 265, subpart F requirements began or the effective date of the regulations, whichever is later. A multi-day penalty could then be calculated for the entire period from the date the facility was required to have wells in place until the date of the inspection showing they did not.⁸

Conversely, in cases where there is no statutory or regulatory deadline from which it may be assumed compliance obligations began to run, a multi-day penalty should account only for each day for which information provides a reasonable basis

⁸ Where EPA determines that a violation persists, enforcement personnel may calculate the penalty for a period ending on the date of compliance or the date the complaint is filed, provided documentation (or a reasonable assumption) to support such a finding is available.

for concluding that a violation has occurred. For example, if an inspection revealed that unlabeled drums of hazardous wastes were being stored by a generator for more than 90 days in violation of 40 CFR 262.31 and 262.34, enforcement personnel should allege in the complaint and present evidence as to the number of days each violation lasted. Documentation in a case such as this might consist of an admission from a facility employee that drums were stored improperly for a certain number of days. In such a case, a multi-day penalty would then be calculated for the number of days stated.

C. CALCULATION OF THE MULTI-DAY PENALTY

After the duration of the violation has been determined, the multi-day component of the total penalty is calculated, pursuant to the Multi-Day Matrix, as follows:

- (1) Determine the gravity-based designations for the violation, e.g., major-major, moderate-minor, or minor-minor.
- (2) Determine, for the specific violation, whether multi-day penalties are mandatory, presumed, or discretionary, as follows:

Mandatory multi-day penalties: Multi-day penalties are mandatory for days 2-180 of all violations with the following gravity-based designations: major-major, major-moderate, moderate-major. The only exception is when they have been waived, in "highly unusual cases" with prior Headquarters (HQ) consultation, as described below. Multi-day penalties for days 181+ are discretionary.

Presumption in favor of multi-day penalties: Multi-day penalties are presumed appropriate for days 2-180 of violations with the following gravity-based designations: major-minor, moderate-moderate, minor-major. Therefore, multi-day penalties must be sought, unless case-specific facts overcoming the presumption for a particular violation are documented carefully in the case files. The presumption may be overcome for one or more days. Multi-day penalties for days 181+ are discretionary.

Discretionary multi-day penalties: Multi-day penalties are discretionary, generally, for all days of all violations with the following gravity-based designations: moderate-minor, minor-moderate, minor-minor. In these cases, multi-day penalties should be sought where case-specific facts support such an assessment. Discretionary multi-day penalties may be imposed for some or all days. The bases for decisions to impose or not impose any discretionary multi-day penalties must be documented in the case files.

- (3) Locate the corresponding cell in the following Multi-Day Matrix. Multiply a dollar amount selected from the appropriate

cell in the multi-day matrix (or, where appropriate, a larger dollar amount not to exceed \$25,000) by the number of days the violation lasted. (Note: the duration used in the multi-day calculation is the length of the violation minus one day, to account for the first day of violation at the gravity-based penalty rate).

MULTI-DAY MATRIX OF MINIMUM DAILY PENALTIES (in dollars)

| | | Extent of Deviation | | |
|--------------------------|----------|------------------------|----------------------|----------------------|
| | | MAJOR | MODERATE | MINOR |
| Potential for Harm | MAJOR | \$5,000 to 1,000 | \$4,000 to 750 | \$3,000 to 550 |
| | MODERATE | \$2,200 to 400 | \$1,600 to 250 | \$1,000 to 150 |
| | MINOR | \$600 to 100 | \$300 to 100 | \$100 |

The dollar figure to be multiplied by the number of days of violation will generally be selected from the range provided in the appropriate multi-day cell. The figure selected should not be less than the lowest number in the range provided. Selections of a dollar figure from the range of penalty amounts can be made at the Region's discretion based on an assessment of case-specific factors, including those discussed below.

In determining whether to assess multi-day penalties for days 2-180 of violations for which multi-day penalties are presumed appropriate or are discretionary, as well as for days 180+ of all violations, as well as in selecting the appropriate dollar figure from the range of penalty amounts in the multi-day matrix, the Regions must analyze carefully the specific facts of the case to determine that the penalties selected are appropriate. This analysis should be conducted in the context of the penalty policy's broad goals of (1) ensuring fair and consistent penalties which reflect the seriousness (gravity) of violations, (2) promoting prompt and continuing compliance, and (3) deterring future non-compliance.

Additional factors which may be relevant in analyzing these factors in the context of a specific case include the seriousness

of the violation relative to other violations falling within the same matrix cell, efforts at remediation or the promptness and degree of cooperation evidenced by the facility (to the extent not otherwise accounted for in the proposed penalty or settlement amount), the size and sophistication of the violator, the total number of days of violation, and other relevant considerations. All of these factors must be analyzed in light of the overriding goals of the penalty policy to determine the appropriate penalties in a specific case.

As discussed above, this penalty policy permits a Region to waive multi-day penalties, when mandatory for a violation, in a "highly unusual case." Such a waiver may be exercised only with prior Headquarters (HQ) consultation. Because EPA has determined that almost all continuing "major" violations warrant multi-day penalties, it is anticipated that such waivers will be sought very infrequently.

While this policy provides general guidance on the use of multi-day penalties, nothing in this policy precludes or should be construed to preclude the assessment of penalties of up to \$25,000 for each day after the first day of any given violation. Particularly in circumstances where significant harm has in fact occurred and immediate compliance is required to avert a continuing threat to human health or the environment, it may be appropriate to demand the statutory maximum.

VIII. EFFECT OF ECONOMIC BENEFIT OF NONCOMPLIANCE

The Agency civil penalty policy mandates the recapture of any significant economic benefit of noncompliance that accrues to a violator. Enforcement personnel shall evaluate the economic benefit of noncompliance when penalties are calculated. A fundamental premise of the policy is that economic incentives for noncompliance are to be eliminated. If violators are allowed to profit by violating the law, there is little incentive to comply. Therefore, it is incumbent on all enforcement personnel to calculate economic benefit. In accordance with the goals of the Agency policy, the RCRA Civil Penalty Policy sets forth the RCRA requirements. An "economic benefit component should be calculated and added to the gravity-based penalty component when a violation results in "significant" economic benefit to the violator, as defined below.

The following are examples of regulatory areas for which violations are particularly likely to present significant economic benefits: groundwater monitoring, financial requirements, closure/post-closure, surface impoundment retrofitting, improper land disposal of restricted waste, clean-up of discharges, part B submittals, and minimum technology requirements.

For certain RCRA requirements the economic benefit of noncompliance may be relatively insignificant (e.g., failure to submit a report on time). In the interest of simplifying and expediting an enforcement action, enforcement personnel may forego calculating the benefit component where it appears that the amount of the component is likely to be less than \$2,500 for all violations alleged in the complaint. However, this decision should be documented on the Penalty Computation Worksheet.

It is generally the Agency's policy not to settle cases (i.e., the penalty amount) for an amount less than the economic benefit of noncompliance. However, the Agency civil penalty policy explicitly sets out three general areas where settling the total penalty amount for less than the economic benefit may be appropriate. The RCRA policy has added a fourth exception for cases where ability to pay is a factor. The four exceptions are:

- o the economic benefit component consists of an insignificant amount (i.e., less than \$2,500);
- o there are compelling public concerns that would not be served by taking a case to trial;
- o it is unlikely, based on the facts of the particular case as a whole, that EPA will be able to recover the economic benefit in litigation;
- o the company has documented an inability to pay the total proposed penalty.

If a case is settled for less than the economic benefit component, a justification must be included on the Penalty Computation Worksheet in Section X, under the heading, "Economic Benefit."

A. ECONOMIC BENEFIT OF DELAYED COSTS AND AVOIDED COSTS

Compliance/enforcement personnel should examine two types of economic benefit from noncompliance in determining the economic benefit component:

- o benefit from delayed costs; and
- o benefit from avoided costs.

Delayed costs are expenditures which have been deferred by the violator's failure to comply with the requirements. The violator eventually will have to spend the money in order to achieve compliance. Delayed costs are the equivalent of capital costs. Examples of violations which result in savings from delayed costs are:

- o failure to timely install ground-water monitoring equipment;
- o failure to timely submit a Part B permit application; and
- o failure to timely develop a waste analysis plan.

Avoided costs are expenditures which are nullified by the violators's failure to comply. These costs will never be incurred. Avoided costs include the usual operating and maintenance costs which would include any annual periodic costs such as leasing monitoring equipment. Examples of violations which result in savings from avoided costs are:

- o failure to perform annual and semi-annual ground-water monitoring sampling and analysis;
- o failure to use registered medical waste transporters;
- o failure to perform waste analysis before adding waste to tanks, waste piles, incinerators; and
- o failure to install secondary containment around a tank, where such a containment is never installed because the violator chooses closure rather than correction and continued operation.

B. CALCULATION OF ECONOMIC BENEFIT

Because the savings that are derived from delayed costs differ from those derived from avoided costs, the economic benefit from delayed and avoided costs are calculated in a different manner. For avoided costs, the economic benefit equals the cost of complying with the requirements, adjusted to reflect anticipated rate of return and income tax effects on the company. For delayed costs, the economic benefit does not equal the cost of complying with the requirements, since the violator will eventually have to spend the money to achieve compliance. The economic benefit for delayed costs consists of the amount of interest on the unspent money that reasonably could have been earned by the violator during noncompliance. If noncompliance

has continued for more than a year, compliance/enforcement personnel should calculate the economic benefit of both the delayed and avoided costs for each year.

Since the fall of 1984, it has been Agency policy to use the BEN computer model to calculate the economic benefit of noncompliance. The model can perform a calculation of economic benefit based on delayed/avoided costs with as few as only seven data inputs (see first seven below). The rest of the data inputs consist of optional data items and standard values already contained in the program (see Ben Worksheet in Section X). The following is a list and short explanation of each input.

INPUTS

1. CASE NAME - Self explanatory.
- ** 2. INITIAL CAPITAL INVESTMENT - This is essentially a depreciable investment such as the initial cost of equipment.
- ** 3. ONE-TIME NONDEPRECIABLE EXPENDITURE - This is an expense that will only be incurred once and does not involve capital investments. It may or may not be tax deductible, but it is not depreciable. Some examples are reporting requirements, purchase of land, or permit application costs and fees.
- ** 4. ANNUAL OPERATION AND MAINTENANCE - This expense category is for routine annual expenses such as the costs of operating equipment, cost of leasing equipment, or cost of annual insurance premiums.
- * 5. FIRST MONTH OF NONCOMPLIANCE - Self explanatory.
- * 6. COMPLIANCE DATE - This could be off in the future. The key is to make a reasonable estimate. (For TSD facilities this date could be the date on which the facility certifies closure rather than the date on which compliance is achieved).
- * 7. PENALTY PAYMENT DATE - Again, this may be in the future. Enforcement personnel should make a reasonable estimate for date of payment.
- + 8. USEFUL LIFE OF EQUIPMENT - Here the model accounts for the fact that the equipment purchased in input two has a useful life of limited duration. The model assumes it will last 15 years, then it must be replaced, however the model is being adjusted to address this matter.

- + 9. MARGINAL INCOME TAX RATE - This is the rate at which the last dollar of earnings was taxed. It almost always will be the highest tax rate, as most businesses meet the maximum rate quickly.
 - + 10. ANNUAL INFLATION RATE - Self explanatory.
 - + 11. DISCOUNT RATE - This is the rate of return the violator expects to obtain on its investment. The money needed for pollution control was invested in something else and we assume the rate of return was the discount rate.
 - + 12. AMOUNT OF LOW INTEREST FINANCING - This is the amount of subsidized financing for pollution control equipment. This almost always is 0.
- * Required Input
 - ** Required if Applicable
 - + Standard Values Available

As noted above, the BEN model may be used to calculate only the economic benefit accruing to a violator through delay or avoidance of the costs of complying with applicable requirements of RCRA and its implementing regulations. There are instances in which the BEN methodology either cannot compute or will fail to capture the actual economic benefit of noncompliance. In those instances, it will be appropriate for the Agency to include in its penalty analysis a calculation of economic benefits in a manner other than those provided for in the BEN methodology. A recurring example is the case where an entity unlawfully operated a land disposal facility without interim status and thus has reaped profits as a proximate result of the violation which are greater than the costs the defendant would have incurred by taking the further actions needed to avoid losing interim status. In such a case, the economic benefit component of the penalty calculation would include the profits proximately attributable to the violation of the applicable RCRA requirement.^{9/} In contrast, consider a large manufacturing facility which, but for the storage of a few drums of wastes over 90 days, is otherwise in compliance with RCRA. The facility's profits, earned almost entirely as a result of lawful activity, would not be considered properly attributable to the facility's noncompliance. Thus, care must be taken to insure that any calculation of profits included in an alternative economic benefit component of the penalty calculation does not include profits attributable to lawful operations of the facility or delayed or avoided costs already accounted for in the BEN calculation.

Enforcement personnel should have a copy of the revised BEN User's Manual (May 1987). The manual describes how to use BEN, a computer program that calculates the economic benefit for any type of entity. It is designed to aid enforcement personnel with

^{9/} Of course, penalties may not exceed the statutory maximum of \$25,000 per day of noncompliance. 42 U.S.C. § 6928.

procedures for entering data in BEN, and to explain the program's results.¹⁰ BEN supersedes previous methodologies used to calculate the economic benefit for civil penalties.

The economic benefit formula provides a reasonable estimate of the economic benefit of noncompliance. If a respondent believes that the economic benefit it derived from noncompliance differs from the estimated amount, it should present all relevant information documenting its actual savings to enforcement personnel at the settlement stage.

IX. ADJUSTMENT FACTORS AND EFFECT OF SETTLEMENT

A. ADJUSTMENT FACTORS

1. Background

As mentioned in Section VI of this document, the seriousness of the violation is considered in determining the gravity-based penalty component. The reasons the violation was committed, the intent of the violator, and other factors related to the violator are not considered in choosing the appropriate cell from the matrix. However, any system for calculating penalties must have enough flexibility to make adjustments that reflect legitimate differences between separate violations of the same provision. RCRA §3008(a)(3) states that in assessing penalties, EPA must take into account any good faith efforts to comply with the applicable requirements. The Agency civil penalty policy sets out several other adjustment factors to consider. These include the degree of willfulness and/or negligence, history of noncompliance, ability to pay, and other unique factors. This revised RCRA policy also includes an additional adjustment factor for environmental projects undertaken by the respondent.

¹⁰ Enforcement personnel are encouraged to use whatever cost documentation is available to calculate RCRA compliance costs. (e.g., contractors and commercial brochures). If it is disputed, the burden will then shift to the respondent to present cost documentation to the contrary to be entered and run in BEN. Data provided by respondent relating to economic benefit should not be run in BEN unless its accuracy and legitimacy have been verified by the Region. Additionally, OSW's Guidance Manual: Cost Estimates for Closure and Post-Closure Plans, November, 1986, provides information regarding cost estimates for input data for BEN.

2. Recalculation of Penalty Amount

Before EPA considers mitigating the penalty contained in the complaint and applies the adjustment factors, it may be necessary, under certain circumstances, for enforcement personnel to recalculate the gravity-based or economic benefit component of the penalty figure. If new information becomes available after the issuance of the complaint which makes it clear that the initial calculation of the penalty contained in the complaint is in error, enforcement personnel should adjust this figure. Enforcement personnel should document on the Penalty Computation Worksheet the basis for recalculating the gravity-based or economic benefit component of the penalty sought in litigation or obtained in settlement.

For example, if after the issuance of the complaint, information is presented which indicates that much less waste is involved than was believed when the complaint was issued, it may be appropriate to recalculate the gravity-based penalty component. Thus, if enforcement personnel had originally believed that the violator had improperly stored ten barrels of acutely hazardous wastes but it was later determined that only a single container of characteristic hazardous waste was improperly stored, it may be appropriate to recalculate the "potential for harm" component of the gravity-based penalty from "major" to "moderate" or "minor."

On the other hand, if enforcement personnel initially believed a violator had fully complied with a specified requirement but subsequently determine that this is not the case, it would be appropriate to amend the complaint as necessary to add a new count, and revise the total penalty amount upward to account for this previously undiscovered violation. Likewise, if new information shows that a previously known violation is more serious than initially thought, an upward revision of the penalty amount may be required.

Furthermore, if the violator presented new information which established that the work performed was technically inadequate or useless (e.g., the violator drilled wells in the wrong spot or did not dig deep enough), it may be more appropriate to keep the gravity-based penalty as originally calculated and evaluate whether it would be appropriate to mitigate the penalty based on the "good faith efforts" adjustment factor.

When information is presented which makes it clear that the gravity-based or economic benefit penalty component is in error, enforcement personnel may, of course, choose to formally amend

the complaint to correct the original penalty component, as well as carefully document the basis for the recalculation on the Penalty Computation Worksheet in the enforcement file.

3. Application of Adjustment Factors

The adjustment factors can increase, decrease or have no effect on the penalty amount obtained from the violator. Adjustments should generally be applied to the sum of the gravity-based and multi-day components of the penalty for a given violation. Note, however, that after all adjustment factors have been applied the resulting penalty shall not exceed the statutory maximum of \$25,000 per day of violation. As indicated previously, all supportable upward adjustments of the penalty amount of which EPA is aware ordinarily should be made prior to issuance of the complaint, while downward adjustments (with the exception of those reflecting good faith efforts to comply) should generally not be made until after the complaint has been issued, at which time the burden of persuasion that downward adjustment is proper should be placed on respondent. Enforcement personnel should use whatever reliable information on the violator and violation is readily available at the time of assessment.

Application of the adjustment factors is cumulative, *i.e.*, more than one factor may apply in a case. For example, if the base penalty derived from the gravity-based and multi-day matrices is \$109,500, and upward adjustments of 10% will be made for both history of noncompliance and degree of willfulness and/or negligence, the total adjusted penalty would be \$131,400 (\$109,500 + 20%).

For any given factor (except ability to pay and litigative risk) enforcement personnel can, assuming proper documentation, adjust the sum of the gravity-based and multi-day penalty components for any given violation up or down (1) by as much as 25% of that sum in ordinary circumstances or (2) from 26% to 40% of that sum, in unusual circumstances. Downward adjustments based on inability to pay or litigative risk will vary in amount depending on the individual facts present in a given case and in certain circumstances may be applied to the economic benefit component.

However, if a penalty is to achieve deterrence, both the violator and the general public must be convinced that the penalty places the violator in a worse position than those who have complied in a timely fashion. Moreover, allowing a violator to benefit from noncompliance punishes those who have complied by placing them at a competitive disadvantage. For these reasons, the Agency should at a minimum, absent the special circumstances enumerated in section VIII, recover any significant economic

mental problem was delayed by factors which the violator can clearly show were not reasonably foreseeable and out of his or her control and that of his or her agents, the penalty may be reduced.

(c) History of noncompliance (upward adjustment only)

Where a party previously has violated RCRA or State hazardous waste law at the same or a different site, this is usually clear evidence that the party was not deterred by the previous enforcement response. Unless the current or previous violation was caused by factors entirely out of the control of the violator, this is an indication that the penalty should be adjusted upwards.

Some of the factors that enforcement personnel should consider are the following:

- o how similar the previous violation was;
- o how recent the previous violation was;
- o the number of previous violations; and
- o violator's response to previous violation(s) in regard to correction of problem.

A violation generally should be considered "similar" if the Agency's or State's previous enforcement response should have alerted the party to a particular type of compliance problem. A prior violation of the same RCRA or State requirement would constitute a similar violation. Nevertheless, a history of noncompliance can be established even in the absence of similar violations, where there is a pattern of disregard of environmental requirements contained in RCRA or another statute.

For purposes of this section, a "prior violation" includes any act or omission for which a formal or informal enforcement response has occurred (e.g., EPA or State notice of violation, warning letter, complaint, consent agreement, final order, or consent decree).

It also includes any act or omission for which the violator has previously been given written notification, however informal, that the Agency believes a violation exists.

In the case of large corporations with many divisions or wholly-owned subsidiaries, it is sometimes difficult to determine whether a previous instance of noncompliance should trigger the adjustments described in this section. New ownership often raises similar problems. In making this determination,

enforcement personnel should attempt to ascertain who in the organization had control and oversight responsibility for compliance with RCRA or other environmental laws. The violation will be considered part of the compliance history of any regulated party whose officers had control or oversight responsibility.

In general, enforcement personnel should begin with the assumption that if the same corporation was involved, the adjustments for history of noncompliance should apply. In addition, enforcement personnel should be wary of a party changing operators or shifting responsibility for compliance to different persons or entities as a way of avoiding increased penalties. The Agency may find a consistent pattern of noncompliance by many divisions or subsidiaries of a corporation even though the facilities are at different geographic locations. This often reflects, at best, a corporate-wide indifference to environmental protection. Consequently, the adjustment for history of noncompliance probably should apply unless the violator can demonstrate that the other violating corporate facilities are independent.

(d) Ability to Pay (downward adjustment only)

The Agency generally will not assess penalties that are clearly beyond the means of the violator. Therefore, EPA should consider the ability of a violator to pay a penalty. At the same time, it is important that the regulated community not see the violation of environmental requirements as a way of aiding a financially troubled business. EPA reserves the option, in appropriate circumstances, to seek penalties that might put a company out of business. It is unlikely, for example, that EPA would reduce a penalty where a facility refuses to correct a serious violation. The same could be said for a violator with a long history of previous violations. That long history would demonstrate that less severe measures are ineffective.

The burden to demonstrate inability to pay rests on the respondent, as it does with any mitigating circumstances. Thus, a company's inability to pay usually will be considered at the settlement stage, and then only if the issue is raised by the respondent. If the respondent fails to fully provide sufficient information, then compliance/enforcement personnel should disregard this factor in adjusting the penalty.

There are several sources available to assist the Regions in determining a firm's ability to pay. First, the Region should consult the Agency's guidance on Determining a Violator's Ability to Pay A Civil Penalty, Dec 16, 1986. Second, the National Enforcement Investigations Center (NEIC) can help obtain information assessing the ability to pay of publicly held

benefits resulting from failure to comply with the law. If violators are allowed to settle for a penalty less than their economic benefit of noncompliance, the goal of deterrence is undermined. Except in extraordinary circumstances, which include cases where there are demonstrated limitations on a respondent's ability to pay or very significant litigative risks, the final adjusted penalty should also include a significant gravity-based component beyond the economic benefit component.

Finally, as has been noted above, it is intended that only Agency personnel, as distinct from an administrative law judge charged with determining an appropriate RCRA penalty, will consider adjusting the amount of a penalty downward based on the litigative risks confronting the Agency or the willingness of a violator to undertake an environmental project in settlement of a penalty claim. This is because these factors are only relevant in the settlement context.

The following discussion of the adjustment factors to consider is consistent with the general Agency civil penalty policy issued in 1984.

(a) Good Faith Efforts To Comply/Lack Of Good Faith

Under § 3008(a)(3) of RCRA, good faith efforts to comply with applicable requirements must be considered in assessing a penalty. The violator can manifest good faith by promptly identifying and reporting noncompliance or instituting measures to remedy the violation before the Agency detects the violation. Assuming self-reporting is not required by law and the violations are expeditiously corrected, a violator's admission or correction of a violation prior to detection may be cause for mitigation of the penalty, particularly where the violator institutes significant new measures to prevent recurrence. Lack of good faith, on the other hand, can result in an increased penalty.

No downward adjustment should be made if the good faith efforts to comply primarily consist of coming into compliance. Moreover, no downward adjustment should be made because respondent lacks knowledge concerning either applicable requirements or violations committed by respondent. EPA will also apply a presumption against downward adjustment for respondent's efforts to comply or otherwise correct violations after the Agency's detection of violations (failure to undertake such measures may be cause for upward adjustment as well as multi-day penalties), since the amount set in the gravity-based penalty component matrix assumes good faith efforts by a respondent to comply after EPA discovery of a violation.

If a respondent reasonably relies on written statements by the state or EPA that an activity will satisfy RCRA requirements and it later is determined that the activity does not comply with RCRA, a downward adjustment in the penalty may be warranted if the respondent relied on those assurances in good faith. Such claims of reliance should be substantiated by sworn affidavit or some other form of affirmation. On the other hand, claims by a respondent that "it was not told" by EPA or the State that it was out of compliance should not be cause for any downward adjustment of the penalty.

(b) Degree of willfulness and/or negligence

While "knowing" violations of RCRA will support criminal penalties pursuant to Section 3008(d), there may be instances of heightened culpability which do not meet the criteria for criminal action. In cases where civil penalties are sought for actions of this type, the penalty may be adjusted upward for willfulness and/or negligence. Conversely, although RCRA is a strict liability statute, there may be instances where penalty mitigation may be justified based on the lack of willfulness and/or negligence.

In assessing the degree of willfulness, and/or negligence, the following factors should be considered, as well as any others deemed appropriate:

- o how much control the violator had over the events constituting the violation;
- o the foreseeability of the events constituting the violation;
- o whether the violator took reasonable precautions against the events constituting the violation;
- o whether the violator knew or should have known of the hazards associated with the conduct; and
- o whether the violator knew or should have known of the legal requirement which was violated.

It should be noted that this last factor, lack of knowledge of the legal requirement, should never be used as a basis to reduce the penalty. To do so would encourage ignorance of the law. Rather, knowledge of the law should serve only to enhance the penalty.

The amount of control which the violator had over how quickly the violation was remedied also is relevant in certain circumstances. Specifically, if correction of the environ-

corporations. ABEL, the Agency's computer model is available to help analyze inability to pay claims. Although ABEL was designed with privately held corporations in mind, it can be used as one possible way to analyze other forms of business entities, including partnerships, and it may serve as an adjunct to other programs available through NEIC (e.g., the Superfund Financial Assessment System).

When EPA determines that a violator cannot afford the penalty prescribed by this policy, or that payment of all or a portion of the penalty will preclude the violator from achieving compliance or from carrying out remedial measures which the Agency deems to be more important than the deterrence effect of the penalty (e.g., payment of penalty would preclude proper closure/post-closure), the following options should be considered in the order presented:

- o Consider an installment payment plan with interest.
- o Consider a delayed payment schedule with interest. Such a schedule might even be contingent upon an increase in sales or some other indicator of improved business.
- o Consider straight penalty reductions as a last recourse.

As indicated above, the amount of any downward adjustment of the penalty is dependent on the individual facts of the case regarding the financial capability of the defendant/respondent and the nature of the violations at issue.

(e) Environmental Projects (downward adjustment only)

Under certain circumstances the Agency may consider adjusting the penalty amount downward in return for an agreement by the violator to undertake an appropriate environmentally beneficial project. The following criteria are provided to determine the appropriateness of the use of environmentally beneficial mitigation projects in settlements. Mitigation projects serve as an incentive to settlement and shall be allowed only in prelitigation agreements (prior to the actual hearing), except in extraordinary circumstances. EPA will consider on a case-by-case basis accepting only those projects that satisfy all the following criteria.

- (i) The activity must be initiated in addition to all statutory and regulatory compliance obligations, and not be used for penalty mitigation in any other enforcement action. The project may not be a substitute for full compliance; rather, it

must be designed to provide an environmental benefit beyond the benefits of full compliance and may not be part of the company's normal business practice or a project the company was already planning to do.

(ii) In order to attain the deterrent objectives of the civil penalty policy, penalty reductions shall reflect the actual cost of undertaking the activity, taking into account the tax benefits that accrue. With consideration of tax benefits, the actual cost of the project to the respondent shall equal or exceed the value of the mitigation. If the respondent fails to complete the agreed upon project, the settlement document should provide that a commensurate amount of any previous downward adjustment of the penalty be reinstated. For more information enforcement personnel should consult the Guidance on Calculating After Tax Net Present Value of Alternative Payments, Oct, 28, 1986, General Enforcement Policy Compendium, GM-51, or the Office of Enforcement Policy.

(iii) The activity must demonstrate a good-faith commitment to statutory compliance and environmental improvement. One test of good faith is the degree to which the violator takes the initiative to identify and propose specific, potential mitigation projects. In addition, the project must be primarily designed to benefit the environment and general public rather than to benefit the violator or any governmental unit.

(iv) Mitigation based on the defendant's activity must not detract significantly from the general deterrent effect of the settlement as a whole. In the settlement context the government should continue to consider mitigation projects as the exception rather than the rule. Efforts should be made to eliminate any potential perception by the regulated community that the government lacks the resolve to impose significant penalties for substantial violations. The government should seek penalties in conjunction with mitigation activities which deter both the specific violator and also the entire regulated community. Accordingly, every settlement should include a substantial monetary penalty component.

(v) Judicially-enforceable consent decrees must meet the statutory and public interest criteria for consent decrees and cannot contain provisions which would be beyond the power of the court to order under the particular statute which had been violated. Additional guidance on the appropriate scope of relief might be found in the statute, the legislative history or the implementing regulations.

(vi) The activity or project must require little EPA oversight. The project should be designed to minimize the need for EPA monitoring of implementation.

(vii) Any settlement which includes a mitigation project shall require that any public statement by the violator regarding the environmental or general public benefits of the project must include a statement that funding for the project is in partial settlement of an enforcement case brought by EPA.

(viii) Qualifying activities must provide a discernable response to the perceptible risk or harm caused by the violations which are the focus of the government's enforcement action. The activity is most likely to be an acceptable basis for mitigating penalties if it closely addresses the environmental effects of the violations.

Other Considerations

The Agency should exercise case-by-case judgment in deciding whether to accept a mitigation project based upon the above criteria and, should consider the difficulty of monitoring the implementation of the proposed project in light of the anticipated benefits of the project. Any final cross-media guidance on environmental projects should be consulted to determine if they supplement or supersede the "Environmental Projects" section of this penalty policy. In particular, the Agency is currently developing cross-media guidance on penalty mitigation projects, to supersede the "Alternative Payments" section of the Agency's February 16, 1984 penalty policy (GM-22). When the final guidance is issued, penalty mitigation projects under all statute-specific penalty policies will be required to conform to the new guidance.

(f) Other unique factors

This policy allows an adjustment for factors which may arise on a case-by-case basis. When developing its settlement position, EPA should evaluate every penalty with a view toward the potential for protracted litigation and attempt to ascertain the maximum civil penalty the court or administrative law judge is likely to award if the case proceeds to hearing or trial. The Agency should take into account, inter alia, the inherent strength of the case, considering, for example, the probability of proving violations, the probability that the government's legal arguments will be accepted, the opportunities which exist to establish a useful precedent or send a signal to the regulated community, the availability and potential effectiveness of the government's evidence, including witnesses, and the potential strength of the violator's equitable and legal defenses. Where the Agency determines that significant litigative risks exist, it may also take into account any disproportionate resource outlay involved in litigating a case that it might avoid by entering into a settlement. Downward adjustments of the proposed penalty for settlement purposes may be warranted depending on the Agency's assessment of these litigation considerations. The extent of the adjustments will depend, of course, on the specific litigation memorandum, "Documenting Penalty Calculations and Justifications in EPA Enforcement Actions," discusses further the requirements for legal and factual "litigation risk" analyses.

However, where the magnitude of the resource outlay necessary to litigate is the only significant litigation consideration dictating a downward adjustment in the penalty amount, the Agency should still obtain a penalty which not only recoups the economic benefit the violator has enjoyed, but includes an additional amount sufficient to create a strong economic disincentive against violating applicable RCRA requirements.

If lengthy settlement negotiations cause the violation(s) to continue significantly longer than initially anticipated, the initial proposed penalty amount should be increased, as appropriate, with a corresponding amendment of the complaint. The revised figure would be calculated in accordance with this policy, and account for the increasing economic benefit and protracted non-compliance.

B. EFFECT OF SETTLEMENT

The Consolidated Rules of Practice for the Assessment of Civil Penalties incorporates the Agency policy of encouraging settlement of a proceeding at any time as long as the settlement is consistent with the provisions and objectives of RCRA and its regulations. 40 CFR §22.18(a). If the respondent believes that it is not liable or that the circumstances of its case justify mitigation of the penalty proposed in the complaint, the Rules of Practice allow it to request a settlement conference.

In many cases, the fact of a violation will be less of an issue than the amount of the proposed penalty. Once the Agency has established a prima facie case, the burden is always on the violator to justify any mitigation of the proposed penalty. The mitigation, if any, of the penalty proposed in the complaint should follow the guidelines in the Adjustment Factors section of this document.

X. APPENDIX

A. PENALTY COMPUTATION WORKSHEET

Company Name _____
Address _____
Requirement Violated _____

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....
 - (a) Potential for harm.....
 - (b) Extent of Deviation.....
2. Select an amount from the appropriate multiday matrix cell.....
3. Multiply line 2 by number of days of violation minus 1 [or other number, as appropriate (provide narrative explanation)].....
4. Add line 1 and line 3.....
5. Percent increase/decrease for good faith.....
6. Percent increase for willfulness/negligence.....
7. Percent increase for history of noncompliance.....
- 8.* Total lines 5 thru 7.....
9. Multiply line 4 by line 8
10. Calculate economic benefit.....
11. Add lines 4, 9 and 10 for penalty amount.....
to be inserted in the complaint

* Additional downward adjustments, where substantiated by reliable information, may be accounted for here.

Company Name of _____
Address _____
Requirement Violated _____

SETTLEMENT PENALTY AMOUNT

1. Gravity based penalty from matrix.....
 - (a) Potential for harm.....
 - (b) Extent of deviation.....
2. Select an amount from the appropriate multiday matrix cell.....
3. Multiply line 2 by number of days of violation minus 1 [or other number as appropriate (provide narrative explanation)].....
4. Add line 1 and line 3.....
5. Percent increase/decrease for good faith.....
6. Percent increase for willfulness/negligence.....
7. Percent increase for history of noncompliance
8. Percent increase/decrease for other unique factors (except litigation risk)
9. Add lines 5, 6, 7, and 8
10. Multiply line 4 by line 9
11. Add lines 4 and 10
12. Adjustment amount for environmental project
13. Subtract line 12 from line 11
14. Calculate economic benefit.....
15. Add lines 13 and 14
16. Adjustment amount for ability-to-pay

17. Adjustment amount for litigation risk.....
18. Add lines 16 and 17.....
19. Subtract line 18 from line 15 for.....
final settlement amount

This procedure should be repeated for each violation.

NARRATIVE EXPLANATION 11

1. Gravity Based Penalty

(a) Potential for Harm _____

_____(attach additional sheets if necessary)

(b) Extent of Deviation _____

_____(attach additional sheets if necessary)

(c) Multiple/Multi-day _____

_____(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applied.)

(a) Good Faith _____

11 A separate "Narrative Explanation" should be attached to the Penalty Computation Worksheets for both the complaint amount and settlement amount. Where the discussion of a given element of a penalty to be included in the Narrative Explanation supporting the settlement amount will duplicate that appearing in the Narrative Explanation supporting the complaint amount, the earlier discussion may simply be incorporated by reference.

(attach additional sheets if necessary)

(b) Willfulness/Negligence

(attach additional sheets if necessary)

(c) History of Compliance

(attach additional sheets if necessary)

(d) Ability to pay.

~~(attach additional sheets if necessary)~~

(e) Environmental Project

(attach additional sheets if necessary)

(f) Other Unique Factors

(attach additional sheets if necessary)

3. Economic Benefit _____

_____(attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information _____

_____(attach additional sheets if necessary)

B. BEN WORKSHEET 12

1. Case Name _____
Requirement Violated _____
 2. Initial Capital Investment/Year Dollars _____
 3. One Time Expenditure/Year Dollars _____
 - a. Tax Deductible
 - b. Not Tax Deductible
 4. Annual Operating and Maintenance
(O&M) Expenses Year Dollars _____
 5. Date of Noncompliance _____
 6. Date of Compliance _____
 7. Anticipated Date of Penalty Payment _____
 - 8.* Useful Life of Pollution
Control Equipment _____
 - 9.* Marginal Income Tax Rate
(On Time Case) _____
 - 10.* Marginal Income Tax Rate
(Delayed Compliance Case) _____
 - 11.* Inflation Rate _____
 - 12.* Discount Rate _____
 - 13.* Low Interest Financing _____
Low Interest Rate _____
Corporate Debt Rate _____
-
14. Economic Benefit Penalty Component _____
* See standard value from BEN model _____

12 A separate "BEN Worksheet" should be attached to the
Penalty Computation Worksheets for both the complaint amount and
settlement amount.

XI. HYPOTHETICAL APPLICATIONS OF THE PENALTY POLICY

A. EXAMPLE 1

(1) Violation

Company A operated a facility at which it was generating one waste and storing a different waste generated by a since discontinued process. These wastes which company A had managed at its facility for years were first listed as hazardous wastes under RCRA in 1987. As a result, Company A became subject to regulation under Subtitle C of RCRA on the effective date of the regulation which was November 5, 1987. In a notification timely provided to EPA pursuant to RCRA Section 3010(a), Company A indicated that it only generated hazardous waste, without mentioning storage. This notification was never amended or supplemented. During an inspection on January 10, 1989, an employee revealed that Company A had also been storing another kind of waste in containers, on site for years. RCRA Section 3010(a) provides that notification of waste management activities must be provided to EPA within 90 days of the promulgation of regulations listing a substance as a hazardous waste subject to Subtitle C of RCRA. 40 CFR 262.34 provides that a generator may only store hazardous waste on-site for 90 days without obtaining a permit or interim status. Thus, beginning on February 3, 1988 (90 days after November 5, 1987), Company A was in violation of (1) the requirement that it notify the Agency pursuant to RCRA Section 3010(a) of its activity as a storer of hazardous waste, and (2) the requirement imposed by RCRA Section 3005 that it obtain interim status or a permit for its storage activity. Failure to notify and operating without a permit or interim status constitute independent or substantially distinguishable violations. Each violation would be assessed separately and the amounts totalled. The inspectors indicated that Company A's storage area was secured and that, in general, the facility was well managed. However, there were a number of violations of the interim status standards. The complaint issued to Company A assessed penalties for the Part 265 violations as well as the statutory violations. For simplification, this example will discuss the §3005 and §3010 violations only. Below is a discussion of the methodology used to calculate the amount of the penalty proposed in the complaint, followed by a discussion of the methodology used to calculate the amount of the penalty to be accepted in settlement.

(2) Seriousness:

(a) Failure to Notify: Potential for Harm. Moderate - EPA was prevented from knowing that hazardous waste was being stored at the facility. However, because Company A notified EPA that it was a generator, EPA did know that

hazardous waste was handled at the facility, but was unaware of the extent of those activities and the risks posed by them. The violation may have a significant adverse effect on the statutory purposes or procedures for implementing the RCRA program. Extent of Deviation. Moderate - although Company A did notify the Agency that it was a generator, it did not notify EPA that it stored hazardous waste, and it did not notify EPA as to all of its activities. Company A significantly deviated from the requirement.

(b) Operating without a permit: Potential for Harm. Major - The fact that the facility generally was well managed is irrelevant as to the potential for harm for operating without a permit. This situation may pose a substantial risk of exposure, and may have a substantial adverse effect on the statutory purposes for implementing the RCRA program. Extent of Deviation. Major - substantial noncompliance with the requirement because Company A did not notify EPA that it stored hazardous waste, and did not submit a Part A application.

(3) Gravity-based Penalty

(a) Failure to notify. Moderate potential for harm and moderate extent of deviation lead one to the cell with the range of \$5,000 to \$7,999. Enforcement personnel selected the mid-point, which is \$6,500.

(b) Operating without a permit. Major potential for harm and major extent of deviation lead one to the cell with the range of \$20,000 to \$25,000. Enforcement personnel selected the midpoint, which is \$22,500.

(c) Penalty Subtotal: $\$6,500 + \$22,500 = \$29,000$

(4) Multi-day Penalty Assessment

(a) Failure to notify. Moderate potential for harm and moderate extent of deviation lead one to presume that multi-day penalties are appropriate. The applicable cell ranges from \$250 to \$1,600. The mid-point is \$925. [Based on an assessment of relevant factors (e.g., the seriousness of the violation relative to others falling within the same matrix cell, the degree of cooperation evidenced by the facility, the number of days of violation) the mid-point in the range of available multi-day penalty amounts was selected.] EPA was able to document that the violation continued from February 2, 1988, to the date of the inspection on January 10, 1989, for a total of 343 days (minus 1st day). [The inspection prompted the Company to immediately file a Section 3010(a) notification and Part A permit application.] The Region elected not to place a 180 day cap on multi-day penalties. Penalty Subtotal: $\$925 \times 342 = \$316,350$.

(b) Operating without a permit. Major potential for harm and major extent of deviation result in mandatory multi-day penalties. The applicable cell ranges from \$1,000 to \$5,000. The mid-point is \$3,000. [Based on an assessment of such relevant factors as those noted in (4)(a), above, the mid-point in the range of available multi-day penalty amounts was selected.] The violation continued from February 2, 1988, to January 10, 1989, for a total of 343 days (minus one day). The Region elected not to place a 180 day cap on multi-day penalties. Total Penalty Subtotal: $\$3,000 \times 342 = \$1,026,000$.

(5) Economic Benefit of Noncompliance

The economic benefit obtained by Company A through its failure to notify pursuant to RCRA Section 3010(a) consists of savings on mailing and personnel costs which are negligible. However, the economic benefit the company obtained as a result of its failure to obtain a permit or interim status is not insignificant. This violation allowed the company to avoid or delay the costs of filing a Part A permit application and the costs of complying with regulatory requirements regarding storage of hazardous wastes in containers. In a BEN analysis (copy omitted for purposes of this example), the Region calculated the economic benefit to Company A at \$9,000.

(6) Application of Adjustment Factors for Computation of the Complaint Amount

(a) Good faith efforts to comply. Prior to issuing the complaint, EPA had only limited discussions with the facility. Since neither these discussions nor the inspector's observations indicated any effort had been made to correct the violations prior to notification of violations by EPA, no downward adjustment for good faith efforts to comply was made. Similarly no evidence of lack of good faith was apparent.

(b) Degree of willfulness and/or negligence. In the absence of any affirmative presentation by the facility warranting downward adjustment (and consistent with the policy of resolving any uncertainty about the application of downward adjustment factors against the violator when computing the complaint amount), the Region only considered information which might support an upward adjustment. Available information did not support an upward adjustment.

(c) History of noncompliance. No evidence has been produced thus far that Company A has had any similar previous violation at this site. The facility in question is the only facility owned or operated by Company A. Therefore, no upward adjustment shall be made for the violations cited above.

(d) Other adjustment factors. Since this computation was designed to produce a penalty figure to be proposed in the complaint, the Region did not consider any other downward adjustment factors. No additional basis for upward adjustment was uncovered.

(7) Final Complaint Penalty Amount

| | | | | | | |
|--------------|---|-------------|---|------------------|---|-------------|
| Gravity base | + | Multiday | + | Economic Benefit | = | Penalty |
| \$29,000 | | \$1,342,350 | | \$9,000 | | \$1,380,350 |

(8) Settlement Adjustments

During settlement discussions Company A presented information which it felt warranted adjustment of the penalty. After issuance of the complaint no new information came to light which supported recalculation of the gravity-based, multi-day, or economic benefit components of the penalty proposed in the complaint.

After consideration of the seriousness of the violations and in order to set penalties at a level which would allow it to achieve compliance quickly (but nevertheless deter future similar violations), the Region elected to place a 180 day cap on multi-day penalties. Multiday Penalty Subtotal: $(\$925 + \$3000) \times 179 = \$702,575$.

(a) Good faith efforts to comply. At settlement negotiations Company A presented a written but explicitly non-binding opinion dated October 30, 1987 from the Director of EPA's Office of Solid Waste (OSW) indicating that the waste which Company A stored did not come within the ambit of the regulation listing new wastes, which became effective on November 5, 1987. Other information indicated that six months later the Assistant Administrator for Solid Waste and Emergency Response formally renounced the view contained in the Director's opinion, that Company A probably was aware of this action, and that the company had failed to provide EPA with either a Section 3010(a) notification or a Part A permit application even after it likely knew that its storage activities were subject to Subtitle C regulation. In view of these unusual facts - i.e., that the company had for roughly a third of the duration of the violation acted in apparent good faith reliance on the opinion of the Director of OSW indicating its stored wastes were not subject to regulation - the Region decided to adjust the penalty for both violations downward by 30% $(\$29,000 + \$702,575) \times 30\% = \$219,472.50$.

(b) Degree of willfulness and/or negligence. No evidence relative to this factor was presented for consideration.

(c) History of non-compliance. No new information relevant to this adjustment factor came to light after issuance of the complaint.

(d) Ability to pay. Company A raised and documented that it has cash flow problems. It did not convince EPA that the penalty should be mitigated. An installment plan was accepted by both parties as a means of payment. Total penalty remained unchanged.

(e) Environmental Projects
The company did not propose any projects.

(f) Other unique factors
No other unique factors existed in this case.

(9) Final settlement penalty amount:

| Gravity Multi- base day | Downward Adjustment | Economic Benefit | Total Penalty |
|----------------------------|------------------------|---------------------|------------------|
|----------------------------|------------------------|---------------------|------------------|

$$\$29,000 + \$702,575 - \$219,472.50 + \$9,000 = \$521,102.50$$

A. PENALTY COMPUTATION WORKSHEET

Company Name Company A
Address _____

Requirement Violated 42 U.S.C. 6910(a). Failure to notify of
hazardous waste management activities

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$6,500
 - (a) Potential for harm.....Moderate
 - (b) Extent of Deviation.....Moderate
2. Select an amount from the appropriate multiday matrix cell.....\$925
3. Multiply line 2 by number of days of violation minus 1..(\$925 x 342).....\$316,350
4. Add line 1 and line 3.....\$322,850
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance.....N/A
- 8.* Total lines 5 thru 7.....N/A
9. Multiply line 4 by line 8N/A
10. Calculate Economic Benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount.....\$322,850
to be inserted in the complaint

* Additional downward adjustments where substantiated by reliable information may be accounted for here.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Moderate - EPA was prevented from knowing that hazardous waste was being stored at the facility. However, because Company A notified EPA that it was a generator, EPA did know that hazardous waste was handled at the facility, but was unaware of the extent of those activities and the risk posed by them. The violation may have a significant adverse effect on the statutory purposes or procedures for implementation of the RCRA program.

(attach additional sheets if necessary)

(b) Extent of Deviation Moderate - Although Company A did notify the Agency that it was a generator, it did not notify EPA that it stored hazardous waste. While there was partial compliance, Company A significantly deviated from the requirement.

(attach additional sheets if necessary)

(c) Multiple/Multi-day Moderate potential for harm and moderate extent of deviation lead one to presume that multi-day penalties are appropriate. There are no case-specific facts which would overcome the presumption. The applicable cell ranges from \$250 to \$1,600. The midpoint is \$925. Based on an assessment of relevant factors (e.g., the seriousness of the violation relative to others falling within the same matrix cell, the degree of cooperation evidenced by the facility, the number of days of violation), the mid-point in the available range was selected. The violation persisted for 141 days.

(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applicable.)

(a) Good Faith Neither discussions with the facility nor the inspector's observations indicated any effort had been made to correct violations prior to notification of violations by EPA. Thus no downward adjustment for good faith efforts to comply was made. Similarly, no evidence of lack of good faith was apparent.

(attach additional sheets if necessary)

- 16. Adjustment amount for ability-to-pay.....-0-
- 17. Adjustment amount for litigation risk.....-0-
- 18. Add lines 16 and 17.....-0-
- 19. Subtract line 18 from line 15 for.....\$120,452.50
final settlement amount

NARRATIVE EXPLANATION TO SUPPORT SETTLEMENT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Moderate - EPA was prevented from knowing that hazardous waste was being stored at the facility. However, because Company A notified EPA that it was a generator, EPA did know that hazardous waste was handled at the facility, but was unaware of the extent of those activities and the risk posed by them. The violation may have a significant adverse effect on the statutory purposes or procedures for implementing the RCRA program.

(attach additional sheets if necessary)

(b) Extent of Deviation Moderate - Although Company A did notify Agency that it was a generator, it did not notify EPA that it stores hazardous waste. While there was partial compliance, Company A significantly deviated from the requirement.

(attach additional sheets if necessary)

(c) Multiple/Multi-day Moderate potential for harm and moderate extent of deviation lead one to presume that multi-day penalties are appropriate. There are no case-specific facts which would overcome the presumption. The applicable cell ranges from \$250 to \$1,600. The midpoint is \$925. Based on an assessment of relevant factors (e.g., the seriousness of the violation relative to others falling within the same matrix cell, the degree of cooperation evidenced by the facility, the number of days of violation), the mid point in the available range was selected. The violation persisted for 143 days. The Region determined that the total penalty would have sufficient deterrent impact if multiday penalties were assessed only for the minimum 180 day period presumed under the penalty policy, rather than for the full 143 (minus 1) days of violation.

(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applicable.)

(a) Good Faith At settlement negotiations Company A presented a written but explicitly non-binding opinion dated October 10, 1987, from the Director of EPA's Office of Solid Waste (OSW), indicating that the waste which Company A stored did not come within the ambit of the regulation listing new wastes, which became effective on November 5, 1989. Other information indicated that 6 months later the Assistant Administrator for Solid Waste and

(b) Willfulness/Negligence No evidence relative to this factor was presented for consideration.

(attach additional sheets if necessary)

(c) History of Compliance No evidence relative to this adjustment factor was presented for consideration. There is no evidence of similar previous violations at this (the Company's only) facility.

(attach additional sheets if necessary)

(d) Ability to pay No evidence relative to this factor was presented for consideration.

(attach additional sheets if necessary)

(e) Environmental Project

N/A

(attach additional sheets if necessary)

(f) Other Unique Factors

N/A

(attach additional sheets if necessary)

3. Economic Benefit Although there is some economic benefit gained from the above cited violation (i.e., personnel costs and postage for notification forms), such costs are negligible enough not to include in the calculation.

(attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information

(attach additional sheets if necessary)

Company Name Company A
Address _____

Requirement Violated 40 U.S.C. 6930(a). Failure to notify of
hazardous waste management activities

SETTLEMENT PENALTY AMOUNT

1. Gravity based penalty from matrix.....\$6,500
 - (a) Potential for harmModerate
 - (b) Extent of Deviation.....Moderate
2. Select an amount from the appropriate multiday matrix cell.....\$925
3. Multiply line 2 by number of days of violation minus 1. (\$925 x 179).....\$165,575
4. Add line 1 and line 3.....\$172,075
5. Percent increase/decrease for good faith.....-10%
6. Percent increase/decrease for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance.....N/A
8. Percent increase/decrease for other unique factorsN/A
(except litigation risk)
9. Add lines 5, 6, 7, and 8.....-10%
10. Multiply line 4 by line 9.....\$51,622.50
11. Add lines 4 and 10.....\$120,452.50
12. Adjustment amount for environmental project.....-0-
13. Subtract line 12 from line 11.....\$120,452.50
14. Calculate economic benefit.....-0-
15. Add lines 13 and 14.....

Emergency Response formally renounced the view contained in the Director's opinion, that Company A was probably aware of this action, and that the Company had failed to provide EPA with either a §3010(a) notification or a Part A permit application even after it likely knew that its storage activities were subject to Subtitle C regulation. In view of these unusual facts - i.e., that the company had for roughly a third of the duration of the violation acted in apparent good faith reliance on the opinion of the Director of OSW indicating its stored wastes were not subject to regulation - a downward adjustment of 30% in the amount of the penalty is appropriate.

(attach additional sheets if necessary)

(b) Willfulness/Negligence No evidence relative to this factor was presented for consideration. Evidence that Company A knowingly failed to comply with notification/permitting requirements after the Agency had clarified its regulatory interpretation was not deemed so persuasive as to warrant a finding that the company had acted willfully.

(attach additional sheets if necessary)

(c) History of Compliance No new information relevant to this adjustment factor came to light after issuance of the complaint. There is no evidence of similar previous violations at this (the company's only) facility.

(attach additional sheets if necessary)

(d) Ability to pay Company A raised and documented that it has cash flow problems. It did not convince EPA that the penalty should be mitigated. An installment plan was accepted by the Agency.

(attach additional sheets if necessary)

(e) Environmental Project

N/A

(attach additional sheets if necessary)

(f) Other Unique Factors _____

N/A

(attach additional sheets if necessary)

3. Economic Benefit Although there is some economic benefit gained from the above cited violation (i.e., personnel costs and postage for notification forms), such costs are negligible enough not to include in the calculation.

(attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information

N/A

(attach additional sheets if necessary)

A. PENALTY COMPUTATION WORKSHEET

Company Name Company A
Address _____

Requirement Violated 42 U.S.C. 6925. Operating without a permit
or interim status

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$22,500
 - (a) Potential for harm.....Major
 - (b) Extent of Deviation.....Major
2. Select an amount from the appropriate multiday
matrix cell.....\$3,000
3. Multiply line 2 by number of days of violation
minus 1..(\$3000 x 342).....\$1,026,000
4. Add line 1 and line 3.....\$1,048,500
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/
negligence.....N/A
7. Percent increase for history of
noncompliance.....N/A
- 8.* Total lines 5 thru 7.....N/A
9. Multiply line 4 by line 8N/A
10. Calculate Economic Benefit.....\$9,000
11. Add lines 4, 9 and 10 for penalty amount.....\$1,057,500
to be inserted in the complaint

* Additional downward adjustments where substantiated by
reliable information may be accounted for here.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Major - The fact that the facility generally was well managed is irrelevant as to the potential for harm for operating without a permit. This situation may pose a substantial risk of exposure and may have a substantially adverse effect on the statutory purposes for implementing the RCRA Program.

(attach additional sheets if necessary)

(b) Extent of Deviation Major - Substantial noncompliance with the requirement was found because Company A did not notify EPA that it stored hazardous waste, and did not submit a Part A application.

(attach additional sheets if necessary)

(c) Multiple/Multi-day Major potential for harm and major extent of deviation result in mandatory multi-day penalties. The applicable cell ranges from \$1,000 to \$5,000. The midpoint is \$3,000. Based on an assessment of relevant factors (e.g., the seriousness of the violation relative to others falling within the same matrix cell, the degree of cooperation evidenced by the facility, and the number of days of violation) the mid point in the available range was selected. The violation persisted for 342 days.

(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applicable.)

(a) Good Faith Neither discussions with the facility nor the inspector's observations indicate any effort had been made to correct violations prior to notification of violations by EPA. Thus no downward adjustment for good faith efforts to comply was made. There was also no evidence of a lack of good faith.

(attach additional sheets if necessary)

(b) Willfulness/Negligence No evidence relative to this factor was presented for consideration.

(attach additional sheets if necessary)

(c) History of Compliance No evidence has been produced thus far that Company A has had any similar previous violations at this site. The facility in question is the only facility owned or operated by Company A. Therefore, no upward adjustment shall be made on the basis of past compliance history.

(attach additional sheets if necessary)

(d) Ability to pay No evidence relative to this factor was presented for consideration.

(attach additional sheets if necessary)

(e) Environmental Project

N/A

(attach additional sheets if necessary)

(f) Other Unique Factors

N/A

(attach additional sheets if necessary)

3. Economic Benefit By failing to obtain interim status (the least expensive option available to it under the statute) Company A avoided or delayed the costs of filing a Part A permit application and complying with the regulatory requirements relative to storage of hazardous wastes in containers. In a BEN analysis (copy omitted for purposes of this example) the Region found that these costs amounted to \$9,000.

(attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information

N/A

(attach additional sheets if necessary)

Company Name Company A
Address _____

Requirement Violated 40 U.S.C. 6925. Operating without a permit
or interim status

SETTLEMENT PENALTY AMOUNT

1. Gravity based penalty from matrix.....\$22,500
 - (a) Potential for harmMajor
 - (b) Extent of Deviation.....Major
2. Select an amount from the appropriate multiday
matrix cell.....\$3,000
3. Multiply line 2 by number of days of violation
minus 1..(\$3,000 x 179).....\$537,000
4. Add line 1 and line 3.....\$559,500
5. Percent increase/decrease for good faith.....-10%
6. Percent increase/decrease for
willfulness/negligence.....N/A
7. Percent increase for history of
noncompliance.....N/A
8. Percent increase/decrease for
other unique factorsN/A
(except litigation risk)
9. Add lines 5, 6, 7, and 8.....-10%
10. Multiply line 4 by line 9-\$167,850
11. Add lines 4 and 10.....\$391,650
12. Adjustment amount for environmental.....-0-
project
13. Subtract line 12 from line 11\$391,650
14. Calculate economic benefit.....\$9,000

- 15. Add lines 13 and 14.....\$400,650
- 16. Adjustment amount for ability-to-pay.....-0-
- 17. Adjustment amount for litigation risk.....-0-
- 18. Add lines 16 and 17.....-0-
- 19. Subtract line 18 from line 15 for.....\$400,650
final settlement amount

NARRATIVE EXPLANATION TO SUPPORT SETTLEMENT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Major - The fact that the facility generally was well managed is irrelevant as to the potential for harm for operating without a permit. This situation may pose a substantial risk of exposure and may have a substantially adverse effect on the statutory purposes for implementing the RCRA Program.

(attach additional sheets if necessary)

(b) Extent of Deviation Major - Substantial noncompliance with the requirement was found because Company A did not notify EPA that it stored hazardous waste, and did not submit a Part A application.

(attach additional sheets if necessary)

(c) Multiple/Multi-day Major potential for harm and major extent of deviation result in mandatory multi-day penalties. The applicable cell ranges from \$1,000 to \$5,000. The midpoint is \$3,000. Based on an assessment of relevant factors (e.g., the seriousness of the violation relative to others falling within the same matrix cell, the degree of cooperation evidenced by the facility, and the number of days of violation) the mid point in the available range was selected. The violation persisted for 142 days. The Region determined that the total penalty would have sufficient deterrent impact if multiday penalties were assessed only for the minimum 180 day period mandated by the penalty policy rather than the full 142 days of violation.

(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applicable.)

(a) Good Faith At settlement negotiations Company A presented a written but explicitly non-binding opinion dated October 10, 1987, from the Director of EPA's Office of Solid Waste (OSW), indicating that the waste which Company A stored did not come within the ambit of the regulation listing new wastes, which became effective on November 5, 1987. Other information indicated that 6 months later the Assistant Administrator for Solid Waste and

Emergency Response formally renounced the view contained in the Director's opinion, that Company A was probably aware of this action, and that the company had failed to provide EPA with either a §3010(a) notification or a Part A permit application even after it likely knew that its storage activities were subject to Subtitle C regulation. In view of these unusual facts - i.e. that the company had for roughly a third of the duration of the violation acted in apparent good faith reliance on the opinion of the Director of OSW indicating its stored wastes were not subject to regulation - it is appropriate to adjust the penalty for this violation downward by
30%.

(attach additional sheets if necessary)

(b) Willfulness/Negligence No evidence relative to this factor was presented for consideration.

(attach additional sheets if necessary)

(c) History of Compliance No new information relevant to this adjustment factor came to light after issuance of the complaint.

(attach additional sheets if necessary)

(d) Ability to pay Company A raised and documented that it has cash flow problems. It did not convince EPA that the penalty should be mitigated. An installment plan was accepted by the Agency.

(attach additional sheets if necessary)

(e) Environmental Project

N/A

(attach additional sheets if necessary)

(f) Other Unique Factors

N/A

(attach additional sheets if necessary)

3. Economic Benefit By failing to obtain interim status (the least expensive option available to it under the statute) Company A avoided or delayed the costs of filing a Part A permit application and complying with the regulatory requirements relative to storage of hazardous wastes in containers. In a BEN analysis (copy omitted for purposes of this example) the Region found that these costs amounted to \$9,000.

(attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information

N/A

(attach additional sheets if necessary)

A. EXAMPLE 2

(1) Violation

Company B failed to prevent entry of persons onto the active portion of its surface impoundment facility. A portion of the fence surrounding the area had been accidentally knocked down during construction on the new wing of the facility on October 30, 1988, and had never been replaced. Several children have entered the active portion of the facility. 40 CFR §265.14. An inspection by EPA on March 15, 1989, revealed that the damaged area of the fence still needed to be replaced. The complaint issued to Company A assessed penalties for the violation of failing to provide adequate security pursuant to 40 CFR § 265.14. Below is a discussion of the methodology used to calculate the penalty amount proposed in the complaint, followed by a discussion of the methodology used to calculate the penalty amount to be accepted in settlement.

(2) Seriousness: Potential for Harm. Major - Some children already have entered the area; potential for harm due to exposure to waste is substantial because of the lack of adequate security around the site. Extent of Deviation. Moderate - there is a fence, but a portion of it has been knocked down. Significant degree of deviation, but part of the requirement was implemented.

(3) Gravity-based Penalty: Major potential for harm and moderate extent of deviation yield the penalty range of \$15,000 to \$19,999. The midpoint is \$17,500.

(4) Multi-Day Penalty Assessment

(a) Failure to provide security. Major potential for harm and moderate extent of deviation result in mandatory multi-day penalties. The applicable cell ranges from \$750 to \$4,000. The midpoint is \$2,375. [Based on an assessment of relevant factors (e.g., the seriousness of the violation relative to others falling within the same matrix cell, the degree of cooperation evidenced by the facility, the number of days of violation) the mid-point in the range of available multi-day penalty amounts was selected.] EPA documents that the violation continued from October 30, 1988, to March 15, 1989, a total of 136 days (minus one day). Total Penalty: $\$2,375 \times 135 = \$320,625$.

(b) Penalty Subtotal: $\$17,500 + \$320,625 = \$338,125$

(5) Economic benefit of noncompliance.

Since Company B reaped an economic benefit by failing to repair the fence, a BEN worksheet should be completed. For information describing each of the inputs see Section VIII.B. For purposes of the above violation, the following input data should be furnished:

1. (EPA v. Company B), the case name
2. (\$100,000), the initial capital investment of replacing the fence
3. -0-, there are no one time expenditures
4. -0-, no annual operating and maintenance (O&M) expenses have been identified
5. 3/1989, the date of the inspection documenting noncompliance
6. 4/1990, the date of compliance
7. 6/1990, the anticipated date of penalty payment

The above data was entered into the BEN model which yielded an economic benefit amount of \$12,743 (see attached BEN worksheet and printout).

(6) Application of Adjustment Factors For Computation of the Complaint Amount

(a) Good faith efforts to comply. At the time of computation of the amount of the penalty to be proposed in the complaint no information (i) relative to the violator's good faith efforts to comply or (ii) indicative of lack of good faith was available.

(b) Degree of willfulness and/or negligence. Little evidence as to application of this factor was available.

(c) History of non-compliance. Company B had on two previous occasions been cited in writing for failure to prevent public access to the active portion of the facility. While such previous violations had been corrected, they indicate that Company B had not been adequately deterred by prior notice of similar violations. The sum of the gravity/multi-day penalty components is adjusted upwards by 15% because of the company's history of noncompliance.

$$(\$17,500 + \$320,625) \times 15\% = \$50,718.75$$

(d) Other adjustment factors. Consistent with the general policy of delaying consideration of downward adjustment factors (other than that relating to good faith efforts to comply) until the settlement stage, the Region reviewed available information

only to see if it supported further upward adjustment of the penalty amount. No information supporting further upward adjustment was uncovered.

(7) Final Complaint Penalty Amount

| | | | | | | |
|--------------|---|-----------|---|------------------|---|-------------|
| Gravity base | | Multiday | | Economic benefit | | Upward Adj. |
| \$17,500 | + | \$320,625 | + | \$12,743 | + | \$50,718.75 |

= Total Penalty: \$401,586.75

(8) Settlement Adjustments

During settlement discussions Company B presented information which it felt warranted adjustment of the penalty. After issuance of the complaint no new information came to light which supported recalculation of the gravity-based, multi-day, or economic benefit components of the penalty proposed in the complaint.

(a) Good faith efforts to comply. Company B gave evidence at settlement of labor problems with security officers and reordering and delivery delays for a new fence. After issuance of the complaint, Company B was very cooperative and stated that a new fence would be installed and that security would be provided for by another company in the near future. Even though the company was very cooperative, its actions were only those required under the regulations. No justification for mitigation for good faith efforts to comply exists. No change in penalty.

(b) Degree of willfulness and/or negligence. If the evidence presented by Company B with respect to reordering delays had been convincing, it might arguably have served as a basis for finding that the company acted without willful disregard of the regulation (or should not have been charged multi-day penalties at a rate so high as that established during computation of the complaint amount). However, such claims of unavoidable delay are easily made and must be viewed with skepticism. The company's evidence on this point was unconvincing since the security and fencing could have been easily provided by other suppliers.

While the fact that the fence was knocked down accidentally might indicate a lack of willfulness, the company's failure to take remedial action for 136 days argues against a downward adjustment. The violation may even have become a willful one when left uncorrected. But in the absence of more information about precautionary steps the company took prior to the accident and the extent of the violator's knowledge of the regulations, no adjustment was made.

(c) History of non-compliance. The Region was confronted with no reason to rethink the previous upward adjustment of the penalty based on past violations of a similar nature.

(d) Ability to pay. The Company made no claims regarding ability to pay.

(e) Environmental projects. The company did not propose any environmental projects.

(f) Other unique factors. No other unique factors existed in this case.

(9) Final Settlement Penalty Amount

| | | | | |
|--------------|---------------------|------------------------|------------------|----------------|
| Gravity base | Upward Multi-day | Economic Adjustment | Total Benefit | Penalty |
| \$17,500 | + \$320,625 | + \$50,718.75 | + \$12,743 | = \$401,586.75 |

PENALTY COMPUTATION WORKSHEET

Company Name Company B (DC 5456)
Address 402 M. Street, S.W.
Washington, D.C. 20254
Requirement Violated 40 CFR 6265.14, failure to prevent entry

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$17,500
 - (a) Potential for harm Major
 - (b) Extent of Deviation Moderate
2. Select an amount from the appropriate multiday matrix cell.....\$2375
3. Multiply line 2 by number of days of violation minus 1. (\$2375 x 135).....\$320,625
4. Add line 1 and line 3.....\$338,125
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance.....15%
- 8.* Total lines 5 thru 7.....15%
9. Multiply line 4 by line 8\$50,718.75
10. Calculate Economic Benefit.....\$12,743
11. Add lines 4, 9 and 10 for penalty amount to be inserted in the complaint.....\$401,586.75

* Additional downward adjustments where substantiated by reliable information may be accounted for here.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Major - Some children have already entered the area; potential for harm due to exposure to waste is substantial because of the lack of adequate security around the site.

(attach additional sheets if necessary)

(b) Extent of Deviation Moderate - There is a fence, but a substantial portion of it has been knocked down. There is a significant degree of deviation, but part of the requirement has been implemented.

(attach additional sheets if necessary)

(c) Multiple/Multi-day Multi-day penalties are mandatory for major-moderate violations. Based on consideration of relevant factors (e.g., number of days of violation and degree of cooperation evidenced by the facility) the mid-point in the available range in the multi-day matrix was selected. The violation can be shown to have persisted for 135 days.

(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applied.)

(a) Good Faith. No information indicating a lack of good faith or of good faith efforts by the violator to comply is available.

(attach additional sheets if necessary)

(b) Willfulness/Negligence N/A

(attach additional sheets if necessary)

(c) History of Compliance Company B had on two previous occasions been cited in writing for failure to prevent public access to the active portion of the facility. While such previous violations had been corrected, they indicate that Company B has not been adequately deterred by prior notice of similar violations. Hence, the penalty is adjusted upward 15%.

(attach additional sheets if necessary)

(d) Ability to pay N/A

(attach additional sheets if necessary)

(e) Environmental Project N/A

(attach additional sheets if necessary)

(f) Other Unique Factors N/A

(attach additional sheets if necessary)

3. Economic Benefit Company B has gained an economic benefit from failing to install a new fence. See the BEN Worksheet for the data input into the BEN model which calculated an economic benefit of \$12,743.

(attach additional sheets if necessary)

BEN Worksheet

| | | |
|-------------------------------------|---|----------------|
| 1. | Company B _____ Requirement Violated: <u>40 CFR 1265.14</u> | |
| | | BEN Inputs |
| 2. | Initial Capital Investment/ Year Dollars | <u>100.000</u> |
| 3. | One Time Expenditure/Year Dollars | <u>-0-</u> |
| | a. Tax Deductible | |
| | b. Not Tax Deductible | |
| 4. | Annual Operating and Maintenance (O&M) Expenses/ Year Dollars | <u>-0-</u> |
| 5. | Date of Noncompliance | <u>3.1989</u> |
| 6. | Date of Compliance | <u>4.1990</u> |
| 7. | Anticipated Date of Penalty Payment | <u>6.1990</u> |
| 8.* | Useful Life of Pollution Control Equipment | _____ |
| 9.* | Marginal Income Tax Rate (On Time Case) | _____ |
| 10.* | Marginal Income Tax Rate (Delayed Compliance Case) | _____ |
| 11.* | Inflation Rate | _____ |
| 12.* | Discount Rate | _____ |
| 13.* | Low Interest Financing | _____ |
| | Low Interest Rate | _____ |
| | Corporate Debt Rate | _____ |
| 14. | Economic Benefit Penalty Component | _____ |
| * See standard value from BEN model | | |

THE ECONOMIC BENEFIT OF A 13 MONTH DELAY AS
OF THE PENALTY PAYMENT DATE, 15 MONTHS AFTER
THE INITIAL DATE OF NONCOMPLIANCE

\$ 12743

>>>>>>>> THE ECONOMIC SAVINGS CALCULATION ABOVE <<<<<<<<<
USED THE FOLLOWING VARIABLES:

USER SPECIFIED VALUES

| | | |
|--|------|---------------------|
| 1. CASE NAME = | HYPO | |
| 2. INITIAL CAPITAL INVESTMENT = | \$ | 100000 1989 DOLLARS |
| 3. ONE-TIME NONDEPRECIABLE EXPENDITURE | \$ | - 0 - |
| 4. ANNUAL O&M EXPENSES = | \$ | - 0 - |
| 5. FIRST MONTH OF NONCOMPLIANCE = | \$ | 3,1989 |
| 6. COMPLIANCE DATE = | \$ | 4,1990 |
| 7. PENALTY PAYMENT DATE = | \$ | 6,1990 |

STANDARD VALUES

| | |
|---|----------|
| 8. USEFUL LIFE OF POLLUTION CONTROL EQUIPMENT = | 15 YEARS |
| 9. MARGINAL INCOME TAX RATE FOR THE ON-TIME CASE = | 38.50 % |
| 10. MARGINAL INCOME TAX RATE FOR THE DELAY CASE | 38.50 % |
| 11. ANNUAL INFLATION RATE = | 3.40 % |
| 12. DISCOUNT RATE = | 17.50 % |
| 13. AMOUNT OF LOW INTEREST FINANCING = | 0 % |

Company Name Company B (DC 5456)
Address 402 M. Street, S.W.
Washington, D.C. 20254
Requirement Violated 40 CFR §265.14, Failure to prevent entry

SETTLEMENT PENALTY AMOUNT

1. Gravity based penalty from matrix.....\$17,500
 - (a) Potential for harmMajor
 - (b) Extent of Deviation.....Moderate
2. Select an amount from the appropriate multiday matrix cell.....\$2,375
3. Multiply line 2 by number of days of violation minus 1 ($\$2,375 \times 135$).....\$320,625
4. Add line 1 and line 3.....\$338,125
5. Percent increase/decrease for good faith.....N/A
6. Percent increase/decrease for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance.....15%
8. Percent increase/decrease for other unique factors (except litigation risk).....N/A
9. Add lines 5, 6, 7, and 8.....15%
10. Multiply line 4 by line 9.....\$50,718.75
11. Add lines 4 and 10.....\$388,843.75
12. Adjustment amount for environmental project.....N/A
13. Subtract line 12 from line 11\$388,843.75
14. Calculate economic benefit.....\$12,743
15. Add lines 13 and 14.....\$401,586.75

16. Adjustment amount for ability-to-pay.....N/A
17. Adjustment amount for litigation risk.....N/A
18. Add lines 16 and 17.....- 0 -
19. Subtract line 18 from line 15 for.....\$401,586.75
final settlement amount

This procedure should be repeated for each violation.

NARRATIVE EXPLANATION TO SUPPORT SETTLEMENT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Major - Some children have already entered the area; potential for harm due to exposure to waste is substantial because of the lack of adequate security around the site.

(attach additional sheets if necessary)

(b) Extent of Deviation Moderate - There is a fence, but a substantial portion of it has been knocked down. There is a significant degree of deviation, but part of the requirement has been implemented.

(attach additional sheets if necessary)

(c) Multiple/Multi-day Multiday penalties are mandatory for major-moderate violations. Based on consideration of relevant factors (e.g., number of days of violation and degree of cooperation evidenced by the facility) the mid-point in the available range in the multi-day matrix was selected. The violation can be shown to have persisted for 135 days.

(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applied.)

(a) Good Faith. Company B gave evidence of labor problems with security officer and reordering and delivery delays in obtaining a new fence. After issuing the complaint, Company B stated that a new fence would be installed and that security would be provided by another company in the near future. Even though the Company was very cooperative, its actions were only those required under the regulations. No justification for mitigation for good faith efforts to comply exists.

(attach additional sheets if necessary)

(b) Willfulness/Negligence. While the fact that the fence was knocked down accidentally might indicate a lack of willfulness, the Company's failure to take remedial action for 136 days argues against a downward adjustment. The violation may even have become a willful one when left uncorrected. But in the absence of more information about precautionary steps the company may have taken prior to the accident and the extent of the violator's knowledge of the regulations, no adjustment was made.

(additional sheets if necessary)

(c) History of Compliance Company B had on two previous occasions been cited in writing for failure to prevent public access to the active portion of the facility. While such previous violations had been corrected, they indicate that Company B has not been adequately deterred by prior notice of similar violations. Hence, the penalty is adjusted upward 15%.

(attach additional sheets if necessary)

(d) Ability to pay_____ N/A

(attach additional sheets if necessary)

(e) Environmental Project N/A

(attach additional sheets if necessary)

(f) Other Unique Factors _____ N/A

(attach additional sheets if necessary)

3. Economic Benefit Company B has gained an economic benefit from failing to install a new fence. See the BEN Worksheet for the data input into the BEN model which calculated an economic benefit of \$12,743.

(attach additional sheets if necessary)

4. Recalculatic. of Penalty Based on New Information N/A

(attach additional sheets if necessary)

- ## BEN Inputs

- | | | |
|-------------------------------------|---|----------------|
| 2. | Initial Capital Investment/ Year Dollars | <u>100.000</u> |
| 3. | One Time Expenditure/Year Dollars | <u>-0-</u> |
| | a. Tax Deductible | |
| | b. Not Tax Deductible | |
| 4. | Annual Operating and Maintenance (O&M) Expenses/ Year Dollars | <u>-0-</u> |
| 5. | Date of Noncompliance | <u>1.1989</u> |
| 6. | Date of Compliance | <u>4.1990</u> |
| 7. | Anticipated Date of Penalty Payment | <u>6.1990</u> |
| 8.* | Useful Life of Pollution Control Equipment | _____ |
| 9.* | Marginal Income Tax Rate (On Time Case) | _____ |
| 10.* | Marginal Income Tax Rate (Delayed Compliance Case) | _____ |
| 11.* | Inflation Rate | _____ |
| 12.* | Discount Rate | _____ |
| 13.* | Low Interest Financing | _____ |
| | Low Interest Rate | _____ |
| | Corporate Debt Rate | _____ |
| 14. | Economic Benefit Penalty Component | _____ |
| * See standard value from BEN model | | |

THE ECONOMIC BENEFIT OF A 13 MONTH DELAY AS
OF THE PENALTY PAYMENT DATE, 15 MONTHS AFTER
THE INITIAL DATE OF NONCOMPLIANCE

\$ 12743

>>>>>>>> THE ECONOMIC SAVINGS CALCULATION ABOVE <<<<<<<<<
USED THE FOLLOWING VARIABLES:

USER SPECIFIED VALUES

| | | |
|--|------|---------------------|
| 1. CASE NAME = | HYP0 | |
| 2. INITIAL CAPITAL INVESTMENT = | \$ | 100000 1989 DOLLARS |
| 3. ONE-TIME NONDEPRECIABLE EXPENDITURE | \$ | - 0 - |
| 4. ANNUAL O&M EXPENSES = | \$ | - 0 - |
| 5. FIRST MONTH OF NONCOMPLIANCE = | \$ | 3,1989 |
| 6. COMPLIANCE DATE = | \$ | 4,1990 |
| 7. PENALTY PAYMENT DATE = | \$ | 6,1990 |

STANDARD VALUES

| | |
|--|----------|
| 8. USEFUL LIFE OF POLLUTION CONTROL EQUIPMENT = | 15 YEARS |
| 9. MARGINAL INCOME TAX RATE FOR THE ON-TIME CASE = | 38.50 % |
| 10. MARGINAL INCOME TAX RATE FOR THE DELAY CASE | 38.50 % |
| 11. ANNUAL INFLATION RATE = | 3.40 % |
| 12. DISCOUNT RATE = | 17.50 % |
| 13. AMOUNT OF LOW INTEREST FINANCING = | 0 % |

C. EXAMPLE 3

(1) Violation

Company C, an owner/operator of several permitted commercial treatment facilities, regularly receives a large volume of diverse types of RCRA hazardous wastes at its Evanston facility. Upon receipt of the wastes, Company C's Evanston facility immediately treats them and sends the treatment residues off-site for land disposal at another company's facility, Company Z.

Between December 16, 1988 and December 18, 1989, Company C's Evanston facility received one shipment per month of liquid P002 spent solvent wastes from various generators. Each shipment consisted of two 55-gallon drums, but the composition and concentration level of hazardous constituents in each drum was different due to the highly variable process that generated the waste. The Evanston facility did not test the wastes before or after treating them, and its existing waste analysis plan did not require any such testing or other analysis to determine if wastes are restricted. The Evanston facility properly manifested the 12 monthly shipments of wastes sent off-site to Company Z, but it did not know until June 18, 1989 that it was required by 40 C.F.R. § 268.7 to send a land disposal restrictions (LDR) notification and certification with each shipment of waste. At that time, it began sending § 268.7 forms routinely stating that the treatment residues were eligible for land disposal.

On October 30, 1989, an EPA inspector at Company Z found that 24 drums of Company C's P002 solvents were unlawfully disposed in Company Z's landfill. EPA determined that the unlawfully disposed wastes had been sent to Company Z in 1989 from the Evanston facility. Company Z's landfill did not meet minimum technological requirements and was leaking hazardous constituents into the ground water, the only source of drinking water for the area. The unlawfully disposed drums contained concentrations of P002 solvents in excess of the applicable Part 268 LDR treatment standards.

Although four separate violations are identified in (a) through (d) below, only the first two violations (in (2) (a) and (b) below) are discussed for purposes of this Example. Below is a discussion of the methodology used to calculate the penalty amount for the complaint followed by a discussion of the methodology used to calculate the settlement amount.

(2) Seriousness:

(a) Failure to Send Accurate § 268.7(b) Notifications and Certifications:

Potential for Harm. Major - Because Company C did not notify the receiving facility, Company Z, that the waste was prohibited from land disposal, Company Z was unaware that the wastes were required to be further treated before land disposal. The violation may have a substantial adverse effect on the purposes or procedures for implementing the RCRA program. The violation may also pose a substantial risk of exposure to hazardous waste.

Extent of Deviation. Major - Initially, Company C did not merely prepare and send deficient § 268.7 notifications/certifications. Rather, it completely failed to prepare and send such forms for the first six months. During the next six months, Company C sent unverified certifications. In each instance, Company C substantially deviated from the applicable requirement.

(b) Failure to Test Restricted Wastes as Required by §§ 268.7(b) and 264.13(a):

Potential for Harm. Major - Company C's complete failure to test the wastes prevented it from determining that the wastes were ineligible for land disposal, which contributed to the actual disposal in a leaking unit above the area's sole source of drinking water. The violation has a substantial adverse effect on the procedures for implementing the LDR program because testing to assure compliance is critically important. The violation may also pose a substantial risk of exposure to hazardous waste.

Extent of Deviation. Major - Company C's waste analysis plan is deficient in not explicitly requiring any testing to determine if wastes are restricted, as evidenced by the resulting shipments from Company C which failed to identify their waste as restricted. Such deficiency is particularly significant where the wastes are very diverse, as is the case here, because in the absence of reliable test results it is very difficult, if not impossible, for Company C to comply with the § 264.13 requirement that the operator obtain "all the information which must be known to [manage] the waste in accordance with . . . Part 268."

(c) Treating Hazardous Waste Prior to Obtaining Adequate Waste Analysis Data as Required by § 264.13(a): Potential for Harm - Major. Extent of Deviation - Major.

(d) Failure to Maintain § 268.7 Paperwork in Operating Record as Required by § 264.73(b): Potential for Harm - Moderate. Extent of Deviation - Major.

(3) Gravity-based Penalty

(a) Failure to Send Accurate § 268.7(b) Notifications and Certifications: Major potential for harm and major extent of deviation leads one to the cell with the range of \$20,000 to \$25,000. The mid-point is \$22,500.

(b) Failure to Test Restricted Wastes as Required by §§ 268.7(b) and 264.13(a): Major potential for harm and major extent of deviation leads one to the cell with the range of \$20,000 to \$25,000. The mid-point is \$22,500.

Total Penalty Per Shipment: $\$22,500 + \$22,500 = \$45,000$.

Since these violations were repeated once every month for 12 months, the above penalty figure should be multiplied by 12, to yield a total penalty (prior to application of adjustment factors, addition of multi-day component, and addition of economic benefit component) as follows:

Penalty Subtotal: $\$45,000 \times 12 = \$540,000$.

(4) Multi-day Penalty Assessment - Because each violation is viewed as independent and noncontinuous, no multi-day assessment was made.¹³

(5) Economic Benefit of Noncompliance - Company C avoided a number of costs in committing the violations noted in (2)(a) and (b) above. These included (i) the costs of forms and labor necessary to complete the forms notifying and certifying to Company Z that the wastes were or were not appropriate for land disposal, and (ii) the costs of waste analysis necessary to determine the eligibility of the wastes for land disposal. A BEN analysis (copy omitted for purposes of this example) of these avoided costs was performed and indicated that Company C reaped an economic benefit of \$12,500 from its failure to comply with the two requirements in question (\$2,500 for the violations

¹³ Where, as here, a facility has through a series of independent acts repeatedly violated the same statutory or regulatory requirement, the violations may begin to closely resemble multi-day violations in their number and similarity to each other. In these circumstances, enforcement personnel have discretion to treat each violation after the first in the series as multi-day violations (assessable at the rates provided in the multi-day matrix), if to do so would produce a more equitable penalty calculation.

specified in (2)(a) and \$10,000 for the violations noted in (2)(b)).¹⁴

(6) Application of Adjustment Factors for Computation of the Complaint Amount

(a) Good faith efforts to comply - As soon as Company C's Evanston facility learned of its obligation to submit § 268.7 forms, it began submitting such forms. However, evidence demonstrates that efforts to comply were weak because Company C made no effort to ensure the accuracy of such submissions. Even if such submissions had been accurate, Company C's actions would have been only those required by the regulations. No justification for mitigation for good faith efforts to comply exists. No change in the \$540,000 penalty.

(b) Degree of wilfulness and/or negligence - The prior knowledge of the § 268.7 requirements by Company C's other facilities is evidence of negligence because a prudent company would advise all its facilities of the appropriate requirements, especially after one of the company's other facilities recently had been found liable for similar violations. Based on these facts, an upward adjustment in the amount of the penalty of 10% is justified. $\$540,000 \times 10\% = \$54,000$.

(c) History of noncompliance. No evidence demonstrating that Company C has had any similar previous violations at the Evanston facility has been presented. However, Company C operates other commercial treatment facilities, at least one of which recently has been found liable for similar violations. Based on these factors, an upward adjustment in the penalty is justified. However, because the upward adjustment is accounted for in (6)(b) above, such adjustment will not be duplicated here.

(d) Other adjustment factors. Since this computation was for purposes of determining the amount of the penalty to propose in the complaint, no further consideration was given to possible

¹⁴ Company C was not itself under a legal obligation to treat the wastes in question to the BDAT levels mandated by the land disposal restrictions; but it nevertheless reaped an economic benefit by misrepresenting to Company Z that these wastes were eligible for land disposal when they were not. Had Company C accurately represented to Company Z the truth - that the wastes needed to be treated before being landfilled -, Company Z would undoubtedly have imposed a higher disposal fee on Company C. EPA could in its discretion include the excess profits Company C earned through misrepresentation in its calculation of the economic benefits enjoyed by Company C as a result of the violations specified in 2(a) and 2(b).

downward adjustments. At the same time no reason to adjust the penalty amount upward based on the remaining adjustment factors was evident.

(7) Final Complaint Penalty Amount

| | | | |
|--------------|------------|----------|-----------|
| Gravity base | Upward | Economic | Total |
| \$540,000 | Adjustment | Benefit | Penalty |
| | \$54,000 | \$12,500 | \$606,500 |
| + + = | | | |

Since a penalty of \$606,500 would exceed the statutory maximum for 24 violations ($24 \times \$25,000 = \$600,000$), the penalty amount to be sought in the complaint was adjusted downward to \$600,000.

(8) Settlement Adjustments

After issuance of the complaint the Region uncovered no basis for recalculating the gravity-based, multi-day, or economic benefit components of the penalty sought in the complaint. However, based on information available to it (including that provided by Company C) the Region did consider certain downward adjustments in the penalty amount.

(a) Good faith efforts to comply. The company did not present and the Region did not find any grounds for reconsidering its initial conclusion that downward adjustment based on the company's good faith efforts at compliance was not justified.

(b) Degree of willfulness and/or negligence. Although the company argued that its lack of knowledge regarding land ban requirements indicated a lack of willfulness during the first 6 months the violations continued, the Region declined to adjust the penalty downward because to do so would encourage or reward ignorance of the law.

(c) History of non-compliance. No reason was presented to address this issue differently than it had been in computing the complaint amount of the penalty.

(d) Ability to pay. Company C made no claims regarding ability to pay.

(e) Environmental projects. Company C did not propose any environmental projects.

(f) Other Unique Factors. In reviewing its liability case against Company C the Region determined that there were major weaknesses in its ability (i) to tie a number of the 24 drums discovered at Company Z's landfill to Company C, and (ii) to show that all the drums contained F002 solvent. The Region concluded that in light of these evidentiary weaknesses it was unlikely

that it would be able to obtain through litigation the amount of the penalty it had sought in the complaint. Since these evidentiary difficulties adversely affected the Region's ability to prove violations related to 4 of the 12 (or one-third of the) monthly shipments, the Region decided that for settlement purposes it was willing to forego roughly one-third of the total proposed penalty amount. Accordingly, the Region decided to adjust the amount of the penalties sought for the violations identified in 2(a) and (b) above downward by \$100,000 each based on litigative risk.

(9) Final Settlement Penalty Amount:

| Gravity- Base | Upward Adjustment | Economic Benefit | Downward Adjustment | Total Penalty |
|------------------|----------------------|---------------------|------------------------|------------------|
| \$540,500 | + \$54,000 | + \$12,500 | - \$200,000 | = \$406,500 |

A. PENALTY COMPUTATION WORKSHEET

Company Name Company C - Evanston Facility
Address _____

Requirement Violated 40 CFR §268.7(b) Failure to send accurate notifications and certifications

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix..(\$22,500 x 12)..\$270,000
 - (a) Potential for harm.....major
 - (b) Extent of Deviation.....major
2. Select an amount from the appropriate multiday matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$270,000
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....10%
7. Percent increase for history of noncompliance.....N/A
- 8.* Total lines 5 thru 7.....10%
9. Multiply line 4 by line 8\$27,000
10. Calculate Economic Benefit.....\$2,500
11. Add lines 4, 9 and 10 for penalty amount.....\$299,500
to be inserted in the complaint

* Additional downward adjustments where substantiated by reliable information may be accounted for here.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Major - Because Company C did not notify the receiving facility, Company Z, that the waste was prohibited from land disposal, Company Z was unaware that the wastes were required to be further treated before land disposal. The violation may have a substantial adverse effect on the purposes or procedures for implementing the RCRA program. In addition, the violation creates a potential for harm because it hinders Company Z's ability to adequately characterize the waste in order to assure that it is properly managed. (Note, however, that Company Z has an independent regulatory obligation to characterize and properly manage wastes it receives. Thus, Company C's violation is one factor contributing to the potential for harm, rather than the sole factor creating such risks.)

(attach additional sheets if necessary)

(b) Extent of Deviation Major - Initially, Company C did not merely prepare and send deficient §268.7 notifications/certifications. Rather it completely failed to prepare and send such forms for the first six months. During the next six months Company C sent unverified certifications. In each instance, Company C substantially deviated from the applicable requirement.

(attach additional sheets if necessary)

(c) Multiple/Multi-day Because each violation is properly viewed as independent and noncontinuous, no multi-day assessment is warranted. Because the violation was repeated 12 times, the gravity-based penalty amount is multiplied by 12.

(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applied.)

(a) Good Faith As soon as Company C's Evanston facility learned of its obligation to submit 268.7 forms, it began submitting such forms. However, evidence demonstrates that efforts to comply were weak because Company C made no effort to ensure the accuracy of such submissions. Even if such submissions had been accurate, Company C's actions would have been only those required

by the regulations. No justification for mitigation for good faith efforts to comply exists.

(attach additional sheets if necessary)

(b) Willfulness/Negligence No evidence of willfulness has been presented but the prior knowledge of the 268.7 requirements by Company C's other facilities is evidence of negligence because a prudent company would advise all its facilities of the appropriate requirements, especially after one of the company's other facilities recently had been found liable for similar violations. Based on these facts, an upward adjustment in the amount of 10% is justified.

(attach additional sheets if necessary)

(c) History of Compliance No evidence demonstrating that Company C has had any similar previous violations at the Evanston facility has been presented. However, Company C operates other commercial treatment facilities, at least one of which recently has been found liable for similar violations. Based on these factors, an upward adjustment in the penalty is justified. However, because the upward adjustment is accounted for in 2.(b) above, we will not duplicate such adjustment here.

(attach additional sheets if necessary)

(d) Ability to pay

N/A

(attach additional sheets if necessary)

(e) Environmental Project

N/A

(attach additional sheets if necessary)

(f) Other Unique Factors

N/A

(attach additional sheets if necessary)

N/A

(attach additional sheets if necessary)

Company Name Company C - Evanston Facility
Address _____

Requirement Violated 40 CFR §268.7(b) Failure to send accurate notifications and certifications

SETTLEMENT PENALTY AMOUNT

1. Gravity based penalty from matrix.....\$270,000
 - (a) Potential for harmMajor
 - (b) Extent of Deviation.....Major
2. Select an amount from the appropriate multiday matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$270,000
5. Percent increase/decrease for good faith.....N/A
6. Percent increase/decrease for willfulness/negligence.....10%
7. Percent increase for history of noncompliance.....N/A
8. Percent increase/decrease for other unique factorsN/A
(except litigation risk)
9. Add lines 5, 6, 7, and 8.....10%
10. Multiply line 4 by line 9\$27,000
11. Add lines 4 and 10.....\$297,000
12. Adjustment amount for environmental.....N/A
project
13. Subtract line 12 from line 11\$297,000
14. Calculate economic benefit.....\$2,500
15. Add lines 13 and 14.....\$299,500

16. Adjustment amount for ability-to-pay.....N/A
17. Adjustment amount for litigation risk.....-\$100,000
18. Add lines 16 and 17.....N/A
19. Subtract line 18 from line 15 for.....\$199,500
final settlement amount

This procedure should be repeated for each violation.

NARRATIVE EXPLANATION TO SUPPORT SETTLEMENT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm. Major - Because Company C did not notify the receiving facility, Company Z, that the waste was prohibited from land disposal, Company Z was unaware that the wastes were required to be further treated before land disposal. The violation may have a substantial adverse affect on the purposes or procedures for implementing the RCRA program. In addition, the violation creates a potential for harm because it hinders Company Z's ability to adequately characterize the waste in order to assure that it is properly managed. (Note, however, that Company Z has an independent regulatory obligation to characterize and properly manage wastes it receives. Thus, Company C's violation is one factor contributing to the potential for harm, rather than the sole factor creating such risks.)

(attach additional sheets if necessary)

(b) Extent of Deviation. Major - Initially, Company C did not merely prepare and send deficient §268.7 notifications/certifications. Rather it completely failed to prepare and send such forms for the first six months. During the next six months Company C sent unverified certifications. In each instance, Company C substantially deviated from the applicable requirement.

(attach additional sheets if necessary)

(c) Multiple/Multi-day. Because each violation is properly viewed as independent and noncontinuous, no multi-day assessment is warranted. Because the violation was repeated 12 times, the gravity-based penalty amount is multiplied by 12.

(attach additional sheets if necessary)

2. Adjustment Factors (Good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applied.)

(a) Good Faith. As soon as Company C's Evanston facility learned of its obligation to submit 268.7 forms, it began submitting such forms. However, evidence demonstrates that efforts to comply were weak because Company C made no effort to ensure the accuracy of such submissions. Even if such submissions had been accurate, Company C's actions would have been only those required

by the regulations. No justification for mitigation for good faith efforts to comply exists.

(attach additional sheets if necessary)

(b) Willfulness/Negligence As indicated above, lack of knowledge of the legal requirement is not a basis for reducing the penalty. To do so would encourage ignorance of the law. No evidence of willfulness has been presented but the prior knowledge of the 268.7 requirements by Company C's other facilities is evidence of negligence because a prudent company would advise all its facilities of the appropriate requirements, especially after one of the company's other facilities recently had been found liable for similar violations. Based on these facts, an upward adjustment in the amount of 10% is justified.

(attach additional sheets if necessary)

(c) History of Compliance. No evidence demonstrating that Company C has had any similar previous violations at the Evanston facility has been presented. However, Company C operates other commercial treatment facilities, at least one of which recently has been found liable for similar violations. Based on these factors, an upward adjustment in the penalty is justified. However, because the upward adjustment is accounted for in 2.(b) above, we will not duplicate such adjustment here.

(attach additional sheets if necessary)

(d) Ability to pay

N/A

(attach additional sheets if necessary)

a) Environmental Project

N/A

(attach additional sheet if necessary)

PENALTY COMPUTATION WORKSHEET

Company Name Company C - Evanston Facility
Address _____

Requirement Violated 40 CFR §264.13(a) & 268.7(b), Failure to
test restricted wastes

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix..(\$22,500 x 12)..\$270,000
 - (a) Potential for harmmajor
 - (b) Extent of Deviationmajor
2. Select an amount from the appropriate multiday
matrix cell.....N/A
3. Multiply line 2 by number of days of violation
minus 1.....N/A
4. Add line 1 and line 3.....\$270,000
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/
negligence.....10%
7. Percent increase for history of noncompliance.....N/A
- 8.* Total lines 5 thru 7.....10%
9. Multiply line 4 by line 8\$27,000
10. Calculate Economic Benefit.....\$10,000
11. Add lines 4, 9 and 10 for penalty amount.....\$307,000
to be inserted in the complaint

* Additional downward adjustments where substantiated by
reliable information may be accounted for here.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Major - Company C's complete failure to test the wastes prevented Company Z from determining that the wastes were ineligible for land disposal, which contributed to the actual disposal in a leaking unit above the area's sole source of drinking water. The violation has a substantial adverse effect on the procedures for implementing the LDR program because testing to assure compliance is critically important.

(attach additional sheets if necessary)

(b) Extent of Deviation Major - Company C's waste analysis plan is substantially deficient in not explicitly requiring any testing to determine wastes are restricted, as evidenced by the resulting shipments from Company C which failed to identify their waste as restricted. Such deficiency is particularly significant where the wastes are very diverse as is the case here, because it is very difficult, if not impossible, to comply with the §264.13 requirement that the operation obtain "all of the information which must be known to [manage] the waste in accordance with ... Part 268."

(attach additional sheets if necessary)

(c) Multiple/Multi-day Because each violation is properly viewed as independent and noncontinuous, no multi-day assessment is warranted. Because the violation was repeated 12 times, the gravity-based penalty amount is multiplied by 12.

(attach additional sheets if necessary)

2. Adjustment Factors (good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applied.)

(a) Good Faith No good faith efforts to comply have been made.

(attach additional sheets if necessary)

(b) Willfulness/Negligence No evidence of willfulness has been presented, but the prior knowledge of the 268.7 requirements by Company C's other facilities is evidence of negligence because a prudent company would advise all its facilities of the appropriate requirements, especially after one of the company's other facilities recently had been found liable for similar violations. Based on these factors, an upward adjustment in the amount of 1 is justified.

(c) History of Compliance No evidence demonstrating that Company C has had any similar previous violations at the Evanston facility has been presented. However, Company C operates other commercial treatment facilities, at least one of which recently has been found liable for similar violations. Based on these factors, an upward adjustment in the penalty is justified. However, because the upward adjustment is accounted for in 2.(b) above, we will not duplicate such adjustment here.

(attach additional sheets if necessary)

(d) Ability to pay

N/A

(attach additional sheets if necessary)

(e) Environmental Project

N/A

(attach additional sheets if necessary)

(f) Other Unique Factors

N/A

(attach additional sheets if necessary)

3. Economic Benefit Company C reaped an economic benefit by avoiding the costs of waste analysis needed to determine the eligibility of the wastes for land disposal. A BEN analysis (copy omitted for purposes of this example) indicates the economic benefit attributable to these violations is \$10,000.

(attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information _____

N/A

(attach additional sheets if necessary)

Company Name Company C - Evanston Facility
Address _____

Requirement Violated 40 CFR §264.13(a) & §268.7(b) Failure to
test restricted wastes

SETTLEMENT PENALTY AMOUNT

1. Gravity based penalty from matrix..(\$22,500 x 12)..\$270,000
 - (a) Potential for harmMajor
 - (b) Extent of Deviation.....Major
2. Select an amount from the appropriate multiday matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$270,000
5. Percent increase/decrease for good faith.....N/A
6. Percent increase/decrease for willfulness/negligence.....10%
7. Percent increase for history of violation.....N/A
8. Percent increase/decrease for other unique factorsN/A
(except litigation risk)
9. Add lines 5, 6, 7, and 8.....10%
10. Multiply line 4 by line 9\$27,000
11. Add lines 4 and 10.....\$297,000
12. Adjustment amount for environmental project.....N/A
13. Subtract line 12 from line 11\$297,000
14. Calculate economic benefit.....\$10,000

15. Add lines 13 and 14.....\$107,000
16. Adjustment amount for ability-to-pay.....N/A
17. Adjustment amount for litigation risk.....-\$100,000
18. Add lines 16 and 17.....N/A
19. Subtract line 18 from line 15 for.....\$207,000
final settlement amount

This procedure should be repeated for each violation.

NARRATIVE EXPLANATION TO SUPPORT SETTLEMENT AMOUNT

1. Gravity Based Penalty

(a) Potential for Harm Major - Company C's complete failure to test the wastes prevented Company Z from determining that the wastes were ineligible for land disposal, which contributed to the actual disposal in a leaking unit above the area's sole source of drinking water. The violation has a substantial adverse effect on the procedures for implementing the LDR program because testing to assure compliance is critically important.

(attach additional sheets if necessary)

(b) Extent of Deviation Major - Company C's waste analysis plan is substantially deficient in not explicitly requiring any testing to determine wastes are restricted, as evidenced by the resulting shipments from Company C which failed to identify their waste as restricted. Such deficiency is particularly significant where the wastes are very diverse as is the case here, because it is very difficult, if not impossible, to comply with the §264(3)(a) requirement that the operation obtain "all of the information which must be known to [manage] the waste in accordance with ... Part 268."

(attach additional sheets if necessary)

(c) Multiple/Multi-day Because each violation is properly viewed as independent and noncontinuous, no multi-day assessment is warranted. Because the violation was repeated 12 times, the gravity-based penalty amount is multiplied by 12.

(attach additional sheets if necessary)

2. Adjustment Factors (good faith, willfulness/negligence, history of compliance, ability to pay, environmental credits, and other unique factors must be justified, if applied.)

(a) Good Faith No good faith efforts to comply have been made.

(attach additional sheets if necessary)

(b) Willfulness/Negligence As indicated above, lack of knowledge of the legal requirement is not a basis for reducing the penalty. To do so would encourage ignorance of the law. No evidence of willfulness has been presented, but the prior knowledge of the 268.7 requirements by Company C's other facilities is evidence of negligence because a prudent company would advise all its facilities of the appropriate requirements, especially after one of the company's other facilities recently had been found liable for similar violations. Based on these factors, an upward adjustment in the amount of 10% is justified.

(c) History of Compliance No evidence demonstrating that Company C has had any similar previous violations at the Evanston facility has been presented. However, Company C operates other commercial treatment facilities, at least one of which recently has been found liable for similar violations. Based on these factors, an upward adjustment in the penalty is justified. However, because the upward adjustment is accounted for in 2.(b) above, we will not duplicate such adjustment here.

(attach additional sheets if necessary)

(d) Ability to pay _____

N/A

(attach additional sheets if necessary)

(e) Environmental Project _____

N/A

(attach additional sheets if necessary)

(f) Other Unique Factors Based on the litigation risk posed by the Agency's inability to show (i) that all 24 drums were Company C's and (ii) that all drums contained P002 solvent, the Region decided to accept in settlement a smaller penalty than had been proposed in the complaint. Since the aforementioned evidentiary weaknesses adversely affected the Agency's ability to prove one third of the 12 counts in our complaint, the Region reduced the proposed penalty by roughly one third or \$100,000.

(attach additional sheets if necessary)

3. Economic Benefit Company C reaped an economic benefit by
avoiding the costs of waste analysis needed to determine the
eligibility of the wastes for land disposal. A BEN analysis
(copy omitted for purposes of this example) indicates the
economic benefit attributable to these violations is \$10,000.

(attach additional sheets if necessary)

4. Recalculation of Penalty Based on New Information _____

N/A

(attach additional sheets if necessary)

Penalty Analysis
In the Matter of: Interplastic Corporation
Docket No. : RCRA-5-2000-009

The Complainant initiated this proceeding on July 7, 2000, by filing a Complaint and Notice of Opportunity for Hearing against Interplastic Corporation (Interplastic or Respondent) for violations of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6901 et seq. The complaint alleges in Counts 1 through 8 that the Respondent violated certain state regulations applicable to generators of hazardous waste codified at Minnesota Rules 7045.0001 et seq. The United States Environmental Protection Agency (EPA) approved these regulations as part of the authorized state program for Minnesota. See 40 C.F.R. § 272.1200 et seq. The complaint alleges in Counts 9 through 12 that Respondent violated certain provisions of the federal regulations to control air emissions from tanks, surface impoundments and containers found at 40 C.F.R. Part 265, Subpart CC.

Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3) authorizes EPA to issue an order assessing a civil penalty not to exceed \$25,000 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA. In the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), Congress directed each federal agency to review its civil monetary penalty provisions and to issue a regulation adjusting them for inflation, limiting the first penalty adjustment to 10% above statutory maximum. Accordingly, on December 31, 1996, EPA published the Adjustment of Civil Penalties for Inflation Rule, codified at 40 C.F.R. Part 19. Pursuant to this rule, all violations of any environmental statute, which includes RCRA, occurring on or after January 31, 1997, are subject to the rule. The rule provides that, with regard to civil penalties assessed under Section 3008(a)(3) of RCRA, the daily maximum penalty amount is \$27,500. In assessing a penalty in this case, the Region increased by 10% the portion of the gravity component that represents noncompliance on and after January 31, 1997. The Region has proposed a civil penalty of \$57,119 for the violations alleged in the Complaint.

Section 3008(a)(3) of RCRA provides that in assessing a penalty, the Administrator shall take into account:

- the seriousness of the violations, and
- any good faith efforts to comply with the applicable requirements.

In October 1990, EPA issued the RCRA Civil Penalty Policy. The penalty policy reflects the factors specified in Section 3008(a) of RCRA. In addition, the purposes of the policy include ensuring that penalties are assessed in a fair and consistent manner, that economic incentives for noncompliance are eliminated, that penalties are appropriate for the gravity of the violation, that penalties are sufficient to deter violations and that compliance is expeditiously achieved. In determining the proposed penalty in the instant case, the Complainant took into account the factors specified in Section 3008(a) of RCRA and considered the facts and circumstances of this case with specific reference to the RCRA Civil Penalty Policy.

A. Counts 1 and 2

In Count 1, the Complainant alleges that Respondent failed to keep a 55-gallon drum holding the hazardous waste in the Thin Tank area closed during accumulation in violation of Minnesota Rule 7045.0626, Subpart 4 and Minnesota Rule 7045.0292, Subpart 8, Item B(1). In Count 2, the Complainant alleges that Respondent failed to label a 55-gallon drum in the Thin Tank area in which hazardous waste was being accumulated with the words "Hazardous Waste" in violation of Minnesota Rule 7045.0292, Subpart 8, Item B(2).

1. Gravity Component

The gravity-based component of the penalty is a measure of the seriousness of the violation. The penalty policy states that this amount should be determined by examining the potential for harm and the extent of deviation from a statutory or regulatory requirement.

Assessment of the potential for harm is based on two factors: 1) "the risk of human or environmental exposure to hazardous waste and/or hazardous constituents that may be posed by noncompliance," and 2) "the adverse effect noncompliance may have on statutory or regulatory purposes or procedures for implementing the RCRA program." 1990 RCRA Penalty Policy at 13. The potential for harm in a particular situation can be major, moderate, or minor. The potential for harm is moderate if "(1) the violation poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents; and/or (2) the actions have or may have a significant adverse effect on statutory or regulatory purposes or procedures for implementation for RCRA program." *Id.* at 15. In assessing a penalty against Interplastic, the Region determined that the potential for harm from the violations alleged in Counts 1 and 2 is moderate based upon its evaluation of the risk of exposure.

In determining the risk of exposure, the Region considered, among other things, the quantity and toxicity of wastes potentially released and the existence, size and proximity of receptor populations. Based on the findings discussed below, the Region found that the violations may pose a significant risk of exposure of humans to hazardous waste or constituents.

The waste filter resins that Interplastic generates contain up to 35% styrene by weight. Styrene monomer is a colorless, oily liquid, with an aromatic odor. Styrene is a known irritant, narcotic and central nervous system toxin. Some animal studies have shown that animals exposed to styrene vapor develop tumors. *See* 54 Fed. Reg. 2332, 2430 (January 19, 1989). It is possible that workers were or could have been exposed to styrene if working in the vicinity of this open container.

In addition to considering the risk of exposure, the Region considered the harm to the RCRA regulatory program in evaluating the potential for harm. The Region concluded that the harm to the regulatory program from not labeling one drum with the words "hazardous waste" and leaving it open is minor.

The Region also considered the extent of deviation from a statutory or regulatory requirement in determining the gravity-based component of the penalty. "The 'extent of deviation' from RCRA and its regulatory requirements relates to the degree to which the violation renders inoperative the requirement violated." 1990 RCRA Civil Penalty Policy at 17. The extent of deviation can be major, moderate or minor. A deviation is considered "moderate" if "the violator significantly deviates from the requirements of the regulation or statute but some of the requirements are implemented as intended." Id.

The Region determined that the extent of deviation from the requirements that the Complainant alleges Interplastic violated is moderate. By failing to label the drum in the Thin Tank area with the words "Hazardous Waste" and failing to keep it closed, Respondent significantly deviated from the requirements for satellite accumulation of hazardous waste in Minnesota Rule 7045.0292, Subpart 8, Item B.

Based upon moderate potential for harm and a moderate extent of deviation from a requirement, the Region selected a penalty amount of \$6,500 for violations alleged in Counts 1 and 2 using the matrix found on page 19 of the penalty policy. The penalty range for the cell for moderate potential for harm and moderate extent of deviation from requirement is between \$5,000 and \$7,999. The penalty policy states that factors such as seriousness of the violation, efforts at remediation or the degree of cooperation evidenced by the facility, the size and sophistication of the violator, the number of days of violation, and other relevant matters should be considered in selecting the exact amount within each cell. Id. at 19.

The Region selected an amount that represents the mid-point of the range in the cell. In selecting this amount, the Region considered that the Respondent operates a large, complex manufacturing facility, is a large quantity generator of hazardous waste, and is fully aware of the requirements to label containers and keep them closed when waste is not being added or removed.

In addition to considering the potential for harm and extent of deviation from a requirement, Section 3008(a) of RCRA authorizes EPA to consider the duration of each violation as a factor in determining an appropriate total penalty amount. The penalty policy presumes multi-day penalties for days 2 through 180 of violations designated moderate-moderate. 1990 RCRA Civil Penalty Policy at 23.

The Region determined that one day of multi-day penalties was appropriate for the violations alleged in Counts 1 and 2 based on Interplastic's March 10, 2000 response to EPA's information request. Interplastic stated that the drum was closed on the day of EPA's inspection and it was labeled as hazardous waste on the day after the inspection. The Region applied a multi-day penalty of \$250 for these violations based on the multi-day matrix of minimum daily penalties on page 24 of the 1990 RCRA Civil Penalty Policy. The cell for moderate potential for harm and moderate extent of deviation provides a range between \$250 and \$1,600. Since only

the labeling requirement was violated for more than one day, the Region selected a penalty at the lowest end of the penalty range for the cell.

Finally, in calculating the total gravity-based penalty for Counts 1 and 2, the Region increased the gravity-based penalty by 10 percent pursuant to the 1997 Civil Monetary Penalty Inflation Rule. Thus, the total gravity-based penalty proposed for Counts 1 and 2 is \$7,425.

2. Economic Benefit

The Region determined that the economic benefit for the violations is Counts 1 and 2 is negligible.

3. Adjustment Factors

Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), requires EPA to take into account any good faith efforts to comply with the applicable requirements when assessing a penalty. In addition, the penalty policy provides for adjustments for factors such as degree of willfulness and/or negligence, history of noncompliance, ability to pay, environmental projects and other unique factors. Based upon the criteria for applying the adjustment factors specified in the penalty policy, the Region has determined that no adjustments for any of the factors are warranted for the violations alleged in Counts 1 and 2.

B. Counts 3, 4 and 5

In Count 3, the Complainant alleges that Respondent failed to keep 12 containers (55-gallon drums) holding the hazardous waste in front of the hot box closed during storage in violation of Minnesota Rule 7045.0626, Subpart 4, and Minnesota Rule 7045.0292, Subpart 1, Item B(1). In Count 4, the Complainant alleges that Respondent failed to label at least 12 containers (55-gallon drums) holding waste in front of the hot box with the waste accumulation start date in violation of Minnesota Rule 7045.0292, Subpart 1, Item C. In Count 5, the Complainant alleges that Respondent failed to label 14 containers (55-gallon drums) holding hazardous waste in front of the hot box with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel in violation of Minnesota Rule 7045.0292, Subpart 1, Item F.

1. Gravity Component

In assessing a penalty against Interplastic, the Region determined that the potential for harm from the violations alleged in Counts 3, 4 and 5 is moderate based upon its evaluation of the risk of exposure.

In determining the risk of exposure, the Region considered, among other things, the quantity and toxicity of wastes potentially released and the existence, size and proximity of

receptor populations. The Region found that the violations may pose a significant risk of exposure of humans to hazardous waste or constituents. As discussed under Counts 1 and 2 above, it is possible that workers were or could have been exposed to styrene if working in the vicinity of the open containers outside the hot box.

In addition to considering the risk of exposure, the Region considered the harm to the RCRA regulatory program in evaluating the potential for harm. The Region concluded that the harm to the regulatory program from not labeling the drums with the words "hazardous waste" and waste accumulation start date and leaving them open is minor.

The Region also considered the extent of deviation from a statutory or regulatory requirement in determining the gravity-based component of the penalty. A deviation is considered "major" if "the violator deviates from the requirements of the regulation or statute to such an extent that most (or important aspects) of the requirements are not met resulting in substantial noncompliance." 1990 RCRA Civil Penalty Policy at 17.

The Region determined that the extent of deviation from the requirements that the Complainant alleges Interplastic violated is major. By failing to label the drums outside the hot box with the words "Hazardous Waste" and the accumulation start date and by failing to keep them closed, Respondent failed to meet important aspects of the Minnesota rules governing large quantity generators resulting in substantial noncompliance.

Based upon moderate potential for harm and a major extent of deviation from a requirement, the Region selected a penalty amount of \$9,500 for violations alleged in Counts 3, 4 and 5 using the matrix found on page 19 of the penalty policy. The penalty range for the cell for moderate potential for harm and major extent of deviation from requirement is between \$8,000 and \$10,999. *Id.* at 19.

The Region selected an amount that represents the mid-point of the range in the cell. In selecting this amount, the Region considered that the Respondent operates a large, complex manufacturing facility, is a large quantity generator of hazardous waste, and is fully aware of the requirements to label containers and keep them closed when waste is not being added as removed.

In addition to considering the potential for harm and extent of deviation from a requirement, the Region considered the duration of each violation as a factor in determining an appropriate total penalty amount. The penalty policy states that multi-day penalties for days 2 through 180 of violations designated moderate-major are mandatory. 1999 RCRA Civil Penalty Policy at 23.

The Region determined that four days of multi-day penalties was appropriate for the violations alleged in Counts 3, 4 and 5 based on Interplastic's March 10, 2000 response to EPA's information request. Interplastic stated that the drums were stored outside in front of the hot box

for approximately five days. Respondent labeled the drums as hazardous waste, marked them with the accumulation start date and placed them in the hot box on the day of EPA's inspection.

The Region selected a multi-day penalty of \$1,300 from the multi-day matrix of minimum daily penalties on page 24 of the 1990 RCRA Civil Penalty Policy. The cell for moderate potential for harm and major extent of deviation provides a range between \$400 and \$2,200.

Finally, in calculating the total gravity-based penalty for Counts 3, 4 and 5, the Region increased the gravity-based penalty by 10 percent pursuant to the 1997 Civil Monetary Penalty Inflation Rule. Thus, the total gravity-based penalty proposed for Counts 3, 4 and 5 is \$16,170.

2. Economic Benefit

The Region determined that the economic benefit for the violations in Counts 3, 4 and 5 is negligible

3. Adjustment Factors

Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), requires EPA to take into account any good faith efforts to comply with the applicable requirements when assessing a penalty. In addition, the penalty policy provides for adjustments for factors such as degree of willfulness and/or negligence, history of noncompliance, ability to pay, environmental projects and other unique factors. Based upon the criteria for applying the adjustment factors specified in the penalty policy, the Region has determined that no adjustments for any of the factors are warranted for the violations alleged in Counts 3, 4 and 5.

C. Counts 6, 7 and 8

In Count 6, the Complainant alleges that Respondent failed to place containers of hazardous holding free liquids and stored outside on a containment surface that is impermeable to the waste stored and/or curbed in violation of Minnesota Rule 7045.0292, Subpart 1, Item E. In Count 7, the Complainant alleges that none of the 14 containers (55-gallon drums) stored outside in front of the hot box had closure devices of sufficient strength and construction so that when closed they would withstand dropping, overturning or other shock without impairment of the container's ability to fully contain the hazardous waste in violation of Minnesota Rule 7045.0626, Subpart 2, Item B, and Minnesota Rule 7045.0292, Subpart 1, Item B. In Count 8, the Complainant alleges that Respondent failed to store containers of hazardous waste which if exposed to moisture or direct sunlight may create a hazardous condition or adversely affect the container's ability to contain the hazardous waste in an area with overhead roofing or other covering that does not obstruct the visibility of the labels in violation of Minnesota Rule 7045.0626, Subpart 4, and Minnesota Rule 7045.0292, Subpart 1, Item B.

1. Gravity Component

In assessing a penalty against Interplastic, the Region determined that the potential for harm from the violations alleged in Counts 6, 7 and 8 is "moderate" based upon its evaluation of both the risk of exposure and the harm to the RCRA regulatory program.

In determining the risk of exposure, the Region considered, among other things, the quantity and toxicity of wastes potentially released, the likelihood of transport by way of environmental media and evidence of waste mismanagement. Based on the findings discussed below, the Region found that the violations may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste.

The area in front of the hot box where the EPA inspector observed the drums on November 16, 1999, is outside. It is covered with concrete but has no curbing and no overhead roofing. While the overall structural integrity of the concrete in front of the hot box appeared to be good when examined by an inspector from the Minnesota Pollution Control Agency on March 30, 2000, the inspector found expansion joints in the concrete which could allow hazardous waste to enter the soil beneath the concrete. In addition, the drums in front of the hot box observed by the EPA inspector had no closure devices which would contain the waste if a drum fell off a pallet, or the drum was otherwise overturned while it was being lifted into the storage area or into the hot box. As such, it is possible that if a drum or drums (there are 4 drums per pallet) overturned, spills could reach a storm drain or directly enter the ground water through seepage via the expansion joints in the concrete. Finally, since the styrene component of Respondent's waste is ignitable, exposure to sunlight could cause fire or explosion should these drums be heated to the flash point.

In addition to considering the risk of exposure, the Region considered the harm to the RCRA regulatory program in evaluating the potential for harm. The Region concluded that the harm to the regulatory program from the violations alleged in Counts 6, 7 and 8 is moderate. The requirements that the Region alleges were violated are fundamental to the integrity of the program.

The Region also considered the extent of deviation from a statutory or regulatory requirement in determining the gravity-based component of the penalty. The Region determined that the extent of deviation from the requirements is major. By storing containers containing free liquids outside on a containment surface which is not impermeable to the waste stored and not curbed, by placing hazardous waste in containers without sufficient closure devices and by storing hazardous waste in an area without overhead roofing, Respondent failed to meet important aspects of the requirements which resulted in substantial noncompliance.

Based upon moderate potential for harm and a major extent of deviation from the requirements, the Region selected a penalty amount of \$10,999 for violations alleged in Counts 6, 7 and 8 using the matrix found on page 19 of the penalty policy. The penalty range for

the cell for moderate potential for harm and major extent of deviation from requirement is between \$8,000 and \$10,999.

The Region selected an amount that represents the upper end of the range in the cell. As noted under Counts 1 through 5 above, Respondent is a large quantity generator of hazardous waste and is fully aware of the Minnesota rules applicable to large quantity generators. Considering the seriousness of the violations, the sophistication of the violator and the significant potential for releases from storing open containers of hazardous waste outside on an uncurbed concrete surface with expansion joints and no overhead roofing, the Region has determined that a penalty at the upper end of the range in the cell is appropriate.

In addition to considering the potential for harm and extent of deviation from a requirement, the Region considered the duration of each violation as a factor in determining an appropriate total penalty amount. The penalty policy states that multi-day penalties for days 2 through 180 of violations designated moderate-major are mandatory. 1999 RCRA Civil Penalty Policy at 23.

The Region determined that four days of multi-day penalties is appropriate for the violations alleged in Counts 6, 7 and 8 based on Interplastic's March 10, 2000 response to EPA's information request. Interplastic stated that the drums were stored outside in front of the hot box for approximately five days. The Region selected a multi-day penalty of \$2,200 from the multi-day matrix of minimum daily penalties on page 24 of the 1990 RCRA Civil Penalty Policy. The cell for moderate potential for harm and major extent of deviation provides a range between \$400 and \$2,200.

Finally, in calculating the total gravity-based penalty for Counts 6, 7 and 8, the Region increased the gravity-based penalty by 10 percent pursuant to the 1997 Civil Monetary Penalty Inflation Rule. Thus, the total gravity-based penalty proposed for Counts 6, 7 and 8 is \$21,779.

2. Economic Benefit

The Region determined that there is no economic benefit associated with the violations in Counts 6, 7 and 8. Respondent has an indoor storage area which could have been used to store the drums. In a May 24, 2000 letter to EPA, Respondent stated that it has made a decision not to use the outside area in front of the hot box to store hazardous waste.

3. Adjustment Factors

Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), requires EPA to take into account any good faith efforts to comply with the applicable requirements when assessing a penalty. In addition, the penalty policy provides for adjustments for factors such as degree of willfulness and/or negligence, history of noncompliance, ability to pay, environmental projects and other unique factors. Based upon the criteria for applying the adjustment factors specified in the

penalty policy, the Region has determined that no adjustments for any of the factors are warranted for the violations alleged in Counts 6, 7 and 8.

D. Counts 9, 10, 11 and 12

In Count 9, the Complainant alleges that Respondent failed to conduct an initial verification procedure for the hot box (before 12/6/96), and has not conducted an annual verification procedure in 1997, 1998 or 1999 in violation of 40 C.F.R. § 265.1087(e)(2)(i).

In Count 10, the Complainant alleges that Respondent violated 40 C.F.R. § 265.1089(b) by failing to develop and implement a written plan and schedule to perform an initial inspection of the closed vent system from the hot box to a thermal oxidizer on or before December 6, 1996, and annual inspections thereafter to ensure there are no leaks as required by 40 C.F.R. § 265.1088(b)(4) and 40 C.F.R. § 265.1033(k)(2).

In Count 11, the Complainant alleges that based upon information and belief, Respondent failed to prepare and maintain records for the most recent set of calculations and measurements performed to verify that the hot box meets the criteria of a permanent total enclosure as specified in Procedure T under 40 C.F.R. § 52.741, appendix B in violation of 40 C.F.R. § 265.1090(d)(1).

In Count 12, the Complainant alleges that Respondent failed to equip its closed vent system which is designed to operate at a pressure below atmospheric pressure with at least one pressure gage or other pressure measurement device as required by 40 C.F.R. § 265.1088(2)(b) and § 265.1033(j)(2) prior to January 2000 in violation of 40 C.F.R. § 265.1088(b)(2) § 265.1033(j)(2).

1. Gravity Component

In assessing a penalty against Interplastic, the Region determined that the potential for harm from the violations alleged in Counts 9, 10, 11 and 12 is minor based upon its evaluation of the risk of exposure and harm to the RCRA regulatory program. The potential for harm is minor if “(1) the violation poses or may pose a relatively low risk of exposure of human or other environmental receptors to hazardous waste or constituents; and/or (2) the actions have or may have a small adverse effect on statutory or regulatory purposes or procedures for implementing the RCRA program.” 1990 RCRA Penalty Policy at 15 - 16.

In determining the risk of exposure, the Region considered, among other things, the quantity and toxicity of wastes potentially released. Based upon the quantity of hazardous waste treated in the hot box from 1997 through 1999 and the estimated emissions of volatile organic compounds from the storage and treatment of the waste, the Region found that the violations may pose a relatively low risk of exposure.

In addition to considering the risk of exposure, the Region considered the harm to the RCRA regulatory program in evaluating the potential for harm. The Region concluded that the harm to the regulatory program from the violations alleged in Counts 9 through 12 is minor.

The Region also considered the extent of deviation from a statutory requirement in determining the gravity-based component of the penalty. By failing to comply with the requirements specified above, Respondent significantly deviated from the regulations to control emissions from tanks, surface impoundments and containers at 40 C.F.R. Part 265, Subpart CC. However, Respondent has implemented some of the requirements as intended. Thus, the Region determined that the extent of deviation from the requirements is moderate.

Based upon minor potential for harm and a moderate extent of deviation from the requirements, the Region selected a penalty amount of \$1,000 for each of the violations alleged in Counts 9 through 12 using the matrix found on page 19 of the penalty policy. The Region assessed \$1,000 for each of the following violations:

- 1) failing to conduct a verification procedure for the hot box in 1996, 1997, 1998 and 1999 (four instances);
- 2) failing to develop and implement a written plan and schedule to perform inspections of the closed vent system (one instance);
- 3) failing to prepare and maintain records of the most recent set of calculations and measurements to verify the hot box meets the criteria for a permanent total enclosure (one instance); and
- 4) failing to install a pressure gage on the closed vent system (one instance).

The penalty range for the cell for minor potential for harm and moderate extent of deviation from requirement is between \$500 and \$1,499. *Id.* at 19. The Region selected an amount that represents the mid-point of the range in the cell. In selecting this amount, the Region considered that Respondent is a sophisticated corporation operating a large, complex manufacturing facility, is a large quantity generator of hazardous waste and should have been aware of the regulations to control emissions from tanks, surface impoundments and containers at 40 C.F.R. Part 265, Subpart CC.

In addition to considering the potential for harm and extent of deviation from a requirement, the Region considered the duration of each violation as a factor in determining an appropriate total penalty amount. The penalty policy states that multi-day penalties for all days of all violations designated minor-moderate are discretionary. 1999 RCRA Civil Penalty Policy

at 23. The Region assessed no multi-day penalties for the violations alleged in Counts 9 through 12.¹

Finally, in calculating the total gravity-based penalty for Counts 9 through 12, the Region increased the gravity-based penalty by 10 percent pursuant to the 1997 Civil Monetary Penalty Inflation Rule. Thus, the total gravity-based penalty proposed for Counts 3, 4 and 5 is \$7,700.

2. Economic Benefit

The Region has calculated an economic benefit of \$4,045 as follows:

- 1) avoided cost of failing to conduct a verification procedure for the hot box is estimated at \$4,000, i.e., \$1,000 for each of the four tests avoided;
- 2) delayed cost of failing to install a pressure gage on the closed vent system is estimated at \$25, i.e., 10 percent of the estimated cost of \$250 for a pressure gage; and
- 3) delayed cost of failing to develop an inspection plan for the closed vent system is estimated at \$20, i.e., 10 percent of the estimated cost of \$200 to develop an inspection plan (4 hours at \$50/hr).

3. Adjustment Factors

Section 3008(a)(3) of RCRA, 42 U.S.C. § 6918(a)(3), requires EPA to take into account any good faith efforts to comply with the applicable requirements when assessing a penalty. In addition, the penalty policy provides for adjustments for factors such as degree of willfulness and/or negligence, history of noncompliance, ability to pay, environmental projects and other unique factors. Based upon the criteria for applying the adjustment factors specified in the penalty policy, the Region has determined that no adjustments for any of the factors are warranted for the violations alleged in Counts 9 through 12.

4. Total Penalty

The Region has calculated a total penalty of \$11,745 for the violations alleged in Counts 9 through 12. This penalty includes a gravity component of \$7,700 and economic benefit component of \$4,045.

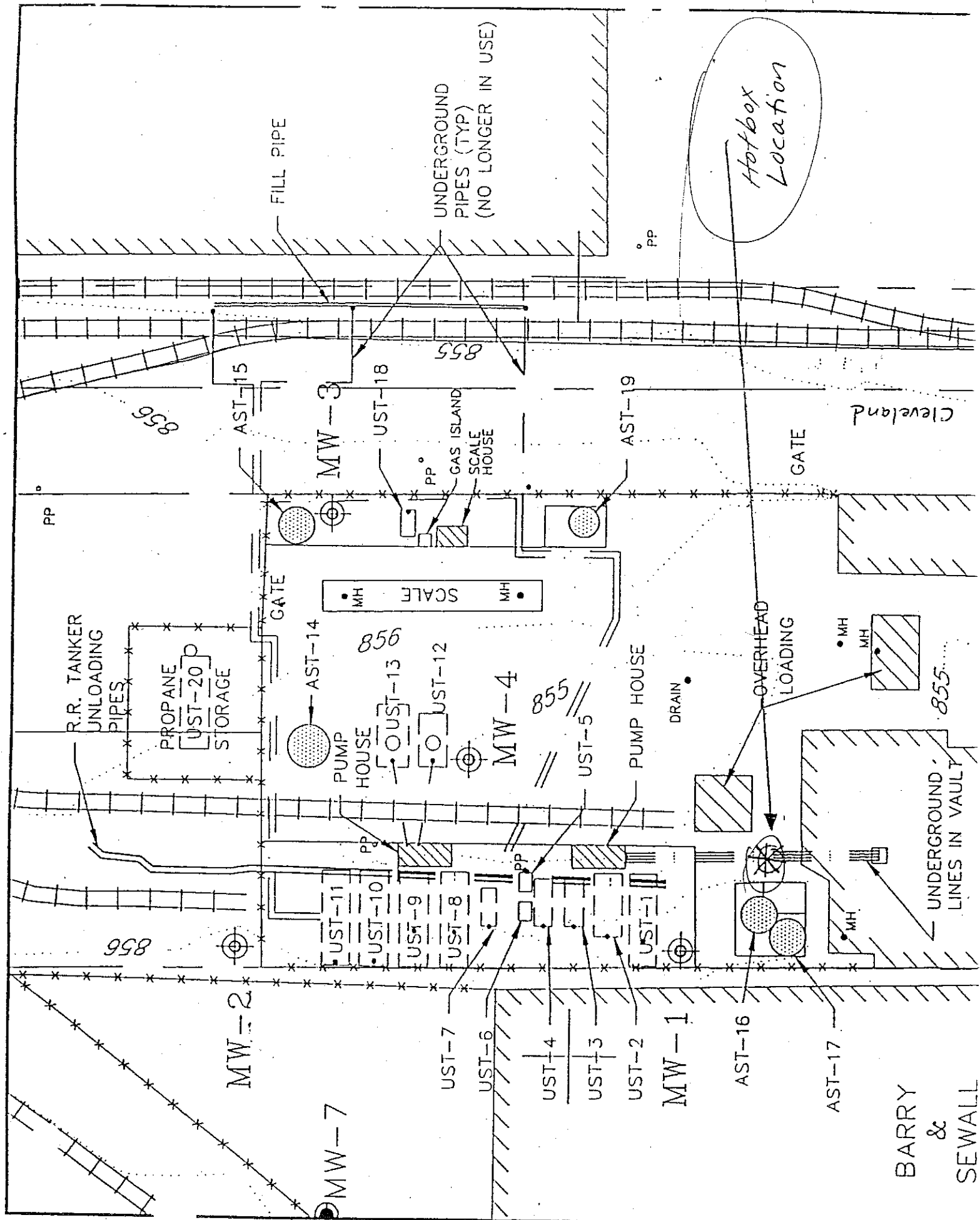
¹ The penalty summary sheet attached to the complaint mistakenly specifies \$1,000 for gravity-based penalty and \$6,000 for the multi-day penalty. The correct amount is \$7,000 for the gravity-based penalty and zero for the multi-day penalty.



Interplastic Corporation
2015 N.E. Broadway Street
Minneapolis, Minnesota 55413-1775
(651) 481-6860
(612) 331-4235 (Fax)

Hotbox Concrete Pad





HAZARDOUS WASTE AREA INSPECTION FORM

DATE: _____

INSPECTOR: _____

The following form is to be completed each Monday. Its purpose is to find any potential problems in the hazardous waste area.

(Yes/No)

1. _____ Aisles on either side of the hazardous waste drums are wide enough for drum inspection.
Comment: _____
2. _____ Only hazardous waste drums are in the hazardous waste area.
Comment: _____
3. _____ Hazardous waste drums are labeled properly and do not violate the "90 Day Rule".
Comment: _____
4. _____ Drums are not leaking and are covered.
Comment: _____
5. _____ Absorbent pads and socks are located on the North wall.
Comment: _____
6. _____ Hazardous Waste Log located on North wall is initialed.
7. _____ Fluorescent tubes are packed securely. Note: Any broken tube containers are marked as hazardous waste. (Compressor Room)
Comment: _____
8. _____ Mercury waste container is not leaking and is covered. (Pilot Plant)
Comment: _____
9. _____ Red storage cabinet is stocked with rags & absorbent socks. (outside by boiler room)
Comment: _____

Satellite locations are accessible; Containers are labelled and are not leaking.

10. _____ Acetone tote & feedstock acetone drums. (Production floor)
Comment: _____
11. _____ North load-out platform feedstock acetone drum.
Comment: _____
12. _____ Production/QC lab-waste "Karl Fischer" reagent (Amber bottle in fume hood).
Comment: _____
13. _____ QC lab feedstock acetone. (Red 5-gallon container).
Comment: _____
14. _____ Pilot plant "KF"/THF waste (drum under mercury pail).
Comment: _____
15. _____ Analytical Lab waste THF (Amber bottle in NMR room).
Comment: _____
16. _____ Maintenance shop feedstock acetone (red drum outside of shop).
Comment: _____
17. _____ Scale 5 waste resin drum(s).
Comment: _____



MINI-PLASTIC CORPORATION
Commercial Resins Division

2015 N.E. Broadway Street
Minneapolis, MN 55413-1775
(612) 481-6860 Fax (612) 331-4235

1996 Hot box Emissions

| | | |
|---|---------|---|
| | 147,200 | lb resin through hot box |
| ÷ | 2000 | lb/ton |
| = | ----- | |
| | 73.600 | tons product through hot box |
| x | 0.5 | em lb/ton product |
| | | (Emission factor: EPA 450/4-90-003 March 1970, AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants) |
| ÷ | 2000 | lb/ton |
| = | ----- | |
| | 0.0184 | em tons from hot box |

1997 Hot box Emissions

| | | |
|---|---------|---|
| | 228,029 | lb resin through hot box |
| ÷ | 2000 | lb/ton |
| = | ----- | |
| | 114.015 | tons product through hot box |
| x | 0.5 | em lb/ton product |
| | | (Emission factor: EPA 450/4-90-003 March 1970, AIRS Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants) |
| ÷ | 2000 | lb/ton |
| = | ----- | |
| | 0.029 | em tons from hot box |



Minnesota
Pollution
Control
Agency

Best Management Practices for Treating Waste Polyester-Resin and Gelcoat

Hazardous Waste Division Fact Sheet #4.50 September 1997

*This fact sheet is intended
for businesses that
generate polyester-resin
and gelcoat wastes.
These might include:*

- archery suppliers
and manufacturers
of -
- boats and canoes
- tubs and showers
- truck-toppers

Introduction

Polyester-resin materials often are used in the production of boats, canoes, tub and shower enclosures, pick-up truck toppers, archery arrows, tanks, and vanity tops. As part of the manufacturing process, hazardous resin and gelcoat wastes are generated.

Recently, the Minnesota Pollution Control Agency (MPCA) proposed a "Best Management Practice" for onsite treatment of these hazardous wastes produced. This Best Management Practice will allow businesses to treat quantities of the waste resin and gelcoat onsite in open containers, without a treatment permit, providing that the generator complies with all other applicable storage requirements.

Generating Resin Wastes in the Fiberglass Industry

Polyester wastes (resin and gelcoat) are generated in several situations. First, and probably most commonly, these wastes are generated during the production process. Typically, liquid resins and gel coats are chemically catalyzed immediately before application, and thus, have a limited useful product life. As the resin/gelcoat and catalyst mixture bonds together, the reaction eventually proceeds to a point where the mixture hardens into a solid that cannot be further processed or utilized. These nonhazardous, solid

wastes are typically disposed of in off-site industrial landfills.

Polyester resin and gelcoat wastes can also be generated as:

- outdated or expired product,
- a color mismatch,
- excess from a one-time project, or
- product that has deteriorated due to exposure to excess cold or heat.

These unused, uncatalyzed product materials are typically found in the original, purchased container, which usually ranges in size from a 5-gallon pail to a 55-gallon drum. When these materials become unusable for their intended purpose, they must be managed as hazardous waste because they are ignitable, and possibly contain toxic metals.

The Best Management Practice for Liquid and Semi-Solid Resin and Gelcoat Wastes

The necessary steps to treat waste resin and gelcoat closely parallel the steps involved in producing a polyester product. In other words, both situations require mixing resin and catalyst and allowing time for the mixture to polymerize and cure. Thus, the treatment of the hazardous wastes should resemble typical processing methods employed at your facility.

The major health and safety concerns surrounding the treatment of gelled or semi-solid resin or gelcoat wastes are the organic emissions released as the mixture hardens. During the curing process, the mixture will emit styrene into the air. Locate the treatment area appropriately with respect to plant ventilation and pollution control equipment to minimize employee exposure, in compliance with OSHA regulations.

The following Best Management Practice is recommended when polymerizing gelled or semi-solid resin and gelcoat hazardous waste:

1. Where justifiable, identify and implement changes to your present operation that reduce the generation of waste resin and gelcoat.

Treatment

2. For safety reasons, treat your hazardous resin and gelcoat wastes in an open-top accumulation container in quantities small enough (five gallons or less) to adequately dissipate the heat generated from the chemical reaction. **Chemical treatment via catalyzation is the only treatment method approved under this Best Management Practice.**
3. The location of the treatment area should be adequately ventilated to minimize worker exposure to the emissions, and to take advantage of pollution-control equipment. A suitable location for treatment may be within a gelcoat booth, for example.
4. Once solidification appears complete (usually a matter of minutes), break up the solidified mass to verify complete polymerization. If free liquids are still present after treatment, conduct further treatment or dispose of the partially solid mass as a hazardous waste.

Monitoring Air Emissions During Treatment

5. Styrene is a hazardous air-pollutant. Although styrene emissions from the treatment process should be small, calculate the emissions quantity to verify compliance with applicable air-quality permit requirements. Emissions from treatment may be less than 1 percent of total emissions from production. If you need assistance with your existing permit, or in obtaining a permit, help is available. The MPCA Air Quality Division offers

assistance to businesses, including fact sheets, site visits and help with emission calculations.

Please contact the following programs for assistance:

- Small Business Compliance Assistance Program (for businesses with 100 or fewer employees): (800) 657-3938 OR (612) 282-6143
- Permit Technical Assistance Program: (800) 646-6247 OR (612) 282-5844

Reporting Requirements

Obtain Approval

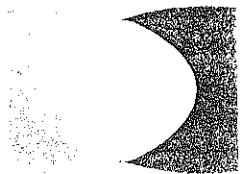
6. In accordance with Minn. R. 7045.0450, subp. 3, item K, because you are treating a hazardous waste in open accumulation containers, you must submit for approval a copy of your treatment proposal to the MPCA Hazardous Waste Division, Permit and Review Unit. The treatment proposal should include relevant and appropriate information required under Minn. R. 7045.0539, subp. 2, items A to C, and Best Management Practices discussed in this fact sheet. You must receive notification by the Commissioner that the treatment activity is approved. Once approved, the treatment procedure should be maintained onsite.

Keep Records

7. You should keep a record of your treatment activities in accordance with Minn. R. 7045.0294. Examples of information you may want to keep track of include: description, date, and quantity of each hazardous waste treated, results of waste analysis, and which solid waste disposal facility you sent the treated waste for disposal.

Dispose Treated Waste

8. Before shipping your treated waste offsite, please verify with the MPCA that your solid waste disposal facility is acceptable for handling resin and gelcoat cured wastes. You may also want to contact facility personnel yourself to make sure they accept these kinds of wastes.



INTERPLASTIC CORPORATION

1225 Willow Lake Boulevard
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(651) 481-6863 Fax (651) 481-9836

Robert C. Hoffman
Director - HSEQ
Corporate Environmental Officer

October 4, 1999

Gary L. Eddy, Supervisor
Government & Utilities Sector
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

OCT 04 1999
MPCA, Metro Dir
Public Facility

RE: Response to NOV dated August 12, 1999

Dear Mr. Eddy:

On August 12, 1999, the Minnesota Pollution Control Agency (**MPCA** or **Agency**) issued a Notice of Violation (**NOV**) to Interplastic Corporation (**Interplastic** or **Company**) for our manufacturing plant at 2015 Broadway Street Northeast in Minneapolis (**Facility**). Interplastic's response deadline, as extended, is October 4, 1999.

The first part of the NOV cites the statutes and rules that MPCA alleges were violated, and describes the facts on which the Agency based that determination (**Allegations**). The second part of the NOV contains a set of corrective actions (**Requirements**) based on those Allegations. Interplastic's response addresses each Allegation and Requirement in the order listed in the NOV.

ALLEGATIONS

1. Minn. Stat. § 115.07, subd. 1 [Violations and Prohibitions — Obtain Permit]

Allegation: During the MPCA multi-media inspection on March 16, 1999, inspectors observed a wastewater discharge. In its NOV, the Agency alleges that "The Company has been discharging a process wastewater stream without a permit."

Response: This water is not "a process wastewater stream." It is non-contact cooling water that came from the Facility's cooling tower (not process vessels). The water MPCA observed had boiled off from the kettle cooling coils after the water was first applied to those coils.

The condition that allowed this to occur has been corrected by extending the length of the vent pipe from the coil so that it contains the reflux. MPCA officials were previously made aware of this change.

2. Minn. R. 7001.0030 [Permit Required]

Allegation: When MPCA returned to the Facility on April 19, 1999, it learned that each of these discharges involves approximately 3000 gallons of water, and they occur each day. "Therefore, the Company has been discharging a process wastewater stream without a permit."

Response: This is the same as the previous Allegation (but citing a different law). Please refer to Interplastic's response to the prior Allegation. As indicated, this discharge is not "a process wastewater stream." The water never came into contact with any of the Facility's processes.

Interplastic has no knowledge concerning the "3000 gallon" and "daily discharge" findings. Where did the Agency get that information? The Company would be pleased to check out that information and get back to you if you let us know the source.

3. Minn. R. 7050.0210, subp. 2 [General Standards for Discharges]

Allegation: On February 22, 1999, MPCA staff took samples from the storm sewer on Cleveland Street [directly east of the Facility]. Based upon those samples, the Agency alleges that the Company discharged storm water with levels of styrene and ethylbenzene sufficient to cause the presence of visible oil films and noxious odors.

Response: We do not think the samples taken on February 22 were from the storm sewer. Interplastic believes those samples were actually taken from a containment sump located within one of the containment pads at the Facility.

Please keep in mind that there is considerable truck and railcar activity in the area of that containment pad. An oil or grease sheen is typically present in the stormwater run-off found in ANY area with significant vehicular traffic.

This containment sump has a valve leading to the storm water system. However, the Agency is aware of the fact that the valve was closed at the time (in order to contain this water on-site until proper remediation could be conducted and confirmed).

I was present throughout the entire sampling process. I did not detect any noxious odors; nor did I notice any visible sheen of the type described in the NOV.

4. Minn. Stat. § 116.48, subd. 1 [Notification Requirements — Tank Status]

Allegation: Although the underground storage tanks (USTs) at the Facility were supposed to be registered by June 1, 1986, Interplastic failed to register ten of its USTs until July 8, 1986. In addition, Tank #12 was registered on September 8, 1988.

Response: The Company was surprised to see this Allegation in the NOV. In its cover letter, MPCA tells Interplastic that the Agency is issuing this NOV "for violations discovered during a multimedia inspection and other inspections conducted on March 15, 16, 30, and April 26, 1999 at [our Facility]." The above Allegation has nothing to do with those 1999 inspections.

Interplastic's original report to MPCA is dated July 3, 1986. And, as stated by the Agency, Tank #12 was registered on September 8, 1988. Please advise us why MPCA waited more than a decade to question these matters for the first time.

5. Minn. R. 7150.0320(B) [Hazardous Material USTs — Intersitital Monitoring]

Allegation: In order to comply with the UST upgrade requirements, the Company purchased and installed five new USTs at the Facility [Tank ## 029, 031, 033, 034, and 036]. However, the Company failed to perform intersitital leak detection on the tanks [(B)(1)(c)] or underground piping [(B)(4)].

Response: The Company does not understand why the Agency thinks we failed to conduct intersitital space monitoring for the tanks. Interplastic believes we demonstrated to the Agency that the intersitital space is monitored continuously. An automated system sends an alarm to the plant if liquid is detected between the tank walls.

All of the underground piping for these tanks is double-walled. The outer wall is constructed of stainless steel. Only the piping on the suction side of the pump is underground, and it drains empty back to the storage tank. Interplastic believes that the UST system at the Facility is in compliance.

If there were any problems, it was my understanding that Mr. Fisher was to advise Interplastic so we could see if those concerns had already been addressed. Sending the Company an NOV — without any explanation of why our system is lacking — is not what we understand to be the Agency's customary practice.

6. Minn. R. 7150.0320(A) [Hazardous Material USTs — Leak Detection]

Allegation: The Company failed to use an approved method of leak detection during 1997 and prior to December 31, 1998, for UST ## 1, 3, 4, 8, 9, 10 and 11. In addition, analysis of UST ## 9 and 10 "indicated the stored product to be a hazardous substance that was present in quantities of more than one inch depth in each tank," and an approved method of leak detection was not used on those tanks after December 22, 1998.

Response: For any new USTs, this Allegation is the same as the previous one (but citing a different law). Therefore, please refer to Interplastic's response to the prior Allegation with respect to any new USTs.

Interplastic strongly disagrees with the Agency's suggestion that our Facility used the old USTs improperly after the "upgrade rule" became effective on December 22, 1998. The fact is that Tank ## 9 and 10 did not hold "stored product." Those tanks were never in production service after the December 22, 1998, deadline.

MPCA's analysis of the two old USTs — Tank ## 9 and 10 — actually detected a "heel" of dicyclopentadiene that was below the suction line of the pump (and, therefore, was verified as empty by Interplastic). This situation was corrected shortly after the March 16 inspection.

Finally, please note that Interplastic's USTs were tested by Pump and Meter Service, Inc., on October 21, 1997 (and again on November 18, 1998).

7. Minn. R. 7150.0100, subp 4(B) [Performance Standards for New USTs — Piping]

Allegation: Under this rule, "The piping that routinely contains regulated substances and is in contact with the ground must be ... protected from corrosion...." The Company failed to provide corrosion protection for the five new USTs [Tank ## 029, 031, 033, 034, and 036].

Response: We disagree. The underground piping for these tanks is double-walled, the outer wall is constructed of stainless steel, and the pipes drain empty when they are not in service.

8. Minn. R. 7150.0420 [Assessing the Site following a Change in Service]

Allegation: In order to comply with the UST rules effective December 22, 1998, Interplastic placed only non-regulated substances in the existing USTs at the Facility. However, at the time it made that change in service, the Company failed to conduct a "site assessment."

Response: The Agency has listed this Facility on its Permanent List of Priorities since 1986. Wenck Associates, Inc., has provided MPCA with detailed reports on the site's conditions for more than 10 years. We believe the Agency probably has more data on the soil and groundwater at this Facility than any other "change in service" site in the State of Minnesota.

9. Minn. Stat. § 115.061 [Duty to Notify and Avoid Water Pollution]

Allegation: In this section, the NOV basically repeats verbatim the allegations made in the April 1, 1999, letter from Stephen J. Lee.

Response: We were surprised to see the Agency bring up these two incidents yet again. The first involves 2-3 gallons of synthetic oil (which, by statute, does not have to be reported at all). The second involves a 5-gallon bucket that an employee kicked over inadvertently.

Gary L. Eddy, MPCA
October 4, 1999
Page Five

The Agency may devote its resources to any matters it wishes. But it is disturbing to see the *INITIAL* allegations repeated in the NOV — virtually word for word — just as if no response had ever been made. The NOV ignores all of the following:

- Written Response on April 12, 1998. Interplastic addressed these exact Allegations in detail four months before this NOV was sent. A copy of that Company response is attached as *Exhibit A*.
- Meeting on May 21, 1999. After receiving Interplastic's response, representatives from MPCA (Stephen Lee, Doreen Feir-Tucker, Ann Cohen) and Interplastic (G. Robert Johnson, Ivan Levy, Robert Hoffman) met to discuss the Agency's remaining questions. MPCA showed Interplastic a set of photographs [see the May 26 discussion below] and asked the Company for additional information [see the June 3 discussion below].
- Site Visit by on May 26, 1999. At the May 21 meeting, MPCA showed Interplastic photos taken during the inspection, and gave its interpretation of those photographs. The Company challenged the Agency's interpretation. We thus invited the MPCA (Stephen Lee and Doreen Feir-Tucker) to view the conditions with us present (G. Robert Johnson and Robert Hoffman). This site visit confirmed what Interplastic had said.
- Follow-Up Letter on June 3, 1999. In this letter, Interplastic provided *ALL* of the additional information MPCA had requested at our meeting [May 21]. The letter also confirmed the results of the site visit [May 26]. See the attached *Exhibit B*.

Nevertheless, just to make absolutely sure the matter was concluded, my letter to Rhonda Land on July 20, 1999, stated the following:

“We sent a letter to MPCA's Steve Lee on April [12]. Thereafter, a meeting was held between the Agency and Interplastic on May 21, and we sent a follow-up letter to MPCA discussing this issue on June 3. Interplastic believes there is nothing further to submit and the item is closed. If you disagree, please let us know.”

With all due deference, Interplastic believe the Agency's questions have been asked and answered.

10. Minn. Stat. § 115E.02 [Duty to Prevent]

Allegation: In this section, the NOV again repeats the allegations made in the April 1, 1999, letter from Stephen J. Lee.

Response: Please refer to the Company's above Response.

11. Minn. Stat. § 116.48, subd. 3 [Notification— Change in Status of an AST]

Allegation: Pursuant to this statute, "An owner must notify the agency within 30 days of a permanent removal from service ... of an ... aboveground storage tank." Interplastic failed to notify the MPCA of its removal of Tank # 1005 within 30 days of the completion of removal.

Response: We registered various underground storage tank (*USTs*) and aboveground storage tank (*ASTs*) with the Agency pursuant to the Storage Tank provisions in the Minnesota Statutes. Tank # 1005 — which the Facility called the "black upright" — was not registered at the time.

It was Interplastic's view that Tank # 1005 was never subject to those statutes. According to Minnesota Statutes § 116.46, a container or vessel is an AST or a UST for purposes of the Storage Tank provisions only if it "is used to contain or dispense regulated substances." The statute does not use the term "was ever used" — it says, "is used."

The black upright never held any "regulated substance" within the meaning of Minnesota Statutes § 116.46, subdivision 6, after those statutes became effective. Hence, the Company did not think that Minnesota Statutes § 116.48 ever became applicable to Tank # 1005. We informed the Agency as a courtesy so it would be able to answer questions that were asked.

12. Minn. R. 7151.6400, subp. 1(A) [Secondary Containment Requirement — ASTs]

Allegation: According to this provision, "Secondary containment areas for existing aboveground storage tanks must have a continuous dike surrounding the tanks that will prevent releases from contaminating surface waters." The Company does not have a continuous dike around Tank # 1004 to provide containment [for that propylene glycol tank].

Response: The Minnesota Legislature has specified which Storage Tanks it wants regulated. Propylene glycol (*PG*) is not a "regulated substance" described in Minnesota Statutes § 116.46, subdivision 6.

Nevertheless, because the Agency does not agree with those statutes, Interplastic retained Griggs Contracting, Inc., to determine ways that the white upright could be diked and contained. In its letter to us of September 3, 1999, a copy of which is attached as *Exhibit C*, that contractor advised Interplastic of the following (*emphasis in original*):

"We measured the below ground portion of the vertical tank to be five feet. The total height of the tank is thirty-two feet. This places more than 10% of the volume of the tank below ground level which by MPCA definition makes this tank an underground tank."

PG tanks are not subject to the Minnesota Statutes applicable to USTs. In fact, PG tanks are not even subject to the Agency's rules pertaining to USTs.* Interplastic does not believe that Tank # 1004 requires diking.

* The Minnesota Statutes applicable to Storage Tanks instruct the Agency to "adopt rules applicable to all owners and operators of underground storage tanks." See: Minn. Stat. § 116.49, subd. 1.

13. Minn. R. 7045.0265, subp. 4(A) [Manifests for Out-Of-State Shipments].

Allegation: When a shipment of hazardous waste is to be delivered to a hazardous waste facility located outside of Minnesota, the generator must send a copy of that manifest to the Commissioner within 40 days. On seven occasions during 1998, the Company failed to ensure that the Agency received those manifests.

Response: The Allegation is accurate. Therefore, even though compliance with this rule has long been a Facility practice, the Company emphasized this requirement to employees following the inspection on March 16, 1999.

The error was corrected promptly. Signed copies of those hazardous waste manifests were provided to the State at the time of the March 16 inspection. Copies were again provided with the Company's letter to Rhonda Land of July 20, 1999.

14. Minn. R. 7045.0292 et al. [Hazardous Waste — Visibility of Labels].

Allegation: During the MPCA multimedia inspection, Agency staff saw three hazardous waste drums whose labels were not clearly visible for inspection.

Response: Interplastic corrected this matter immediately, and the Facility emphasized this requirement to our employees.

15. Minn. R. 7045.0292, subp. 1(G) et al. [Required Aisle Space].

Allegation: The Company failed to maintain adequate aisle space for the hazardous waste drums stored in the main storage area.

Response: Interplastic corrected this matter immediately, and the Facility emphasized this requirement to our employees.

REQUIREMENTS

1. **NPDES Permit.** Submit a permit application and fee for an individual NPDES permit to cover both process discharge and storm water issues. All chemical additives must be disclosed.

Response: The Company addressed this Agency request in our letter of July 20, 1999. Interplastic hereby incorporates into this NOV response the reply we made in that letter. The Company's legal position remains unchanged.

At the same time, we understand the Agency's position. This might be an instance where everyone benefits if legal arguments are set aside while the parties attempt an accommodation that both find acceptable.

We ask MPCA to schedule a meeting for that purpose so that representatives from Interplastic and the Agency can try to work out a mutually acceptable arrangement.

2. **Inside Tote Tank.** For the tote tank that overfilled on February 16, 1999, the Company must document (i) that the tote tank has been equipped with a containment shed, (ii) the volume the shed will contain, and (iii) that sensor valves have been installed on the "line clears" pipe.

Response: MPCA is "requiring" a containment shed to provide *overflow protection* and *secondary containment*. The Agency should not require a "containment shed" to implement requirements from which the Agency, by rulemaking, has expressly provided TWO exemptions.* Hence, any use of the shed is voluntary — not a requirement.

Subject to the above, please be advised that the shed was installed on March 22, 1999. Its capacity is 305 gallons (based on shed dimensions of 7' x 8' x 1.2'). The Company does not understand the balance of your question. The automated valve has been repaired and is functioning properly.

3. **Cleanup Documentation.** This is the same request — practically word for word — that MPCA made in the letter from Stephen Lee dated April 1, 1999.

Response: In the Company's response to MPCA on April 12, 1999, Interplastic responded to this exact request as follows:

"The spill observed on March 15, 1999, involved a 5-gallon bucket of oil cleanup material. The spill observed on March 16, 1999, involved 2 or 3 gallons of synthetic oil that leaked from a bearing seal. With all due respect, these two incidents are no more significant than the pint of acetone that MPCA's [own] contractor spilled at our Facility during Agency sampling on March 16.

The Company has no ... laboratory analysis results. Most of the other information is already contained in your letter and this response. The Agency now has considerable information about these 5-gallon and 2-gallon spills. I believe Interplastic has satisfied its obligations concerning these incidents."

* The tote is made of stainless steel. See: Minn. Rule 7151.1300, subpart 2(I). Even if that were not the case, the tote is less than one-third the size needed to subject it to regulation. See: Minn. Rule 7151.1300, subpart 2(N).

The Agency wanted more information anyway. So at the meeting on May 14, 1999, the parties and their attorneys went through the Agency's request — word by word — to find out what was missing. MPCA agreed that the only thing it needed was a better "timeline."

Interplastic believes that a spill of less than 5 gallons of oil does not require ANY reporting. See: Minn. Stat. § 115.061(b). Nevertheless, in our letter to MPCA of June 3, 1999, the Company provided that additional information. Further requests are without merit.

4. **Removal of Tank # 1005.** Interplastic must notify the MPCA in writing on a form approved by the Agency of the removal from the Facility of Tank # 1005.

Response: The Agency obviously knows that this storage tank — which our Facility calls the "black upright" — has been removed. So the Requirement amounts to putting that fact "on a form approved by the Agency."

Interplastic's legal position is described in our Response to Allegation #11. Subject to those comments, if MPCA would like to have this situation documented in a certain way, send us the forms and we would be pleased to complete and return them.

5. **Out-Of-State Manifests.** The Company must document that signed manifest copies for out-of-state shipments of hazardous waste will be sent to the Commissioner within 40 days.

Response: The Company hereby confirms its awareness of this rule, the fact that employees have been informed of it, and that Interplastic will take reasonable efforts to ensure that no violations occur in the future.

6. **Drum Labels must be Visible.** The Company must document to MPCA that the labels on drums containing hazardous waste will be clearly visible for inspection.

Response: The Company hereby confirms its awareness of this rule, the fact that employees have been informed of it, and that Interplastic will take reasonable efforts to ensure that no violations occur in the future.

7. **Aisle Space.** The Company must document to MPCA that the Facility will maintain sufficient aisle space for its drums of hazardous materials.

Response: The Company hereby confirms its awareness of this rule, the fact that employees have been informed of it, and that Interplastic will take reasonable efforts to ensure that no violations occur in the future.

Gary L. Eddy, MPCA
October 4, 1999
Page Ten

- 8. Fix the Hazardous Waste Area Inspection Form.** The Company should delete Item 2 from its Hazardous Waste Area Inspection Form because the Facility stores non-hazardous waste containers in its main hazardous waste storage area. Interplastic should document the revision.

Response: The Company made this change shortly after the request was received. It was previously sent to the Agency, and our documentation accompanied that mailing. The Company respectfully requests that the MPCA check its records.

- 9. Hot Box.** Submit to the MPCA an official LDR notification/certification for the "hot box" that contains the information enumerated in Rhonda Land's letter of May 6, 1999.

Response: The Company does not understand this "requirement." The requested LDR form was sent to Ms. Land on July 20, 1999. Interplastic respectfully requests that the MPCA check its records.

In its letter to Interplastic on August 12, 1999, the Agency states that "A draft Stipulation Agreement will be sent to the Company shortly." We have not received any such Agreement from MPCA. However, if one has already been drafted, please send it to my attention.

To aid our review of those terms, I ask that you also send a copy of each Stipulation Agreement with another company that contains similar provisions. In that way, Interplastic will be able to ascertain what the Agency typically does in such situations, and plan our response accordingly.

The Agency should copy our attorney, G. Robert Johnson, on all matters pertaining to this NOV. Feel free to call me if you have any questions.

Sincerely,



Robert C. Hoffman

RCH:iml

Exhibits A - C

cc: G. Robert Johnson, Esq.
Oppenheimer Wolff & Donnelly LLP
Plaza VII — Suite 3400
45 South Seventh Street
Minneapolis, MN 55402-1609


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Hazardous Waste: Minnesota State Rules

● Table of Contents for Hazardous Waste Rules

The rules listed below link directly to the Minnesota Office of Revisor of Statutes [WEB](#) and are the most current version available.

Note: the accuracy of the electronic files listed below is not guaranteed. Some files may have errors in tables, charts and special characters. The only certified version of the Minnesota Rules is the paper form published by the Minnesota Office of Revisor and Statutes and distributed through Minnesota's Bookstore. To order a paper copy of the Rules listed below, contact Minnesota's Bookstore at (612) 297-3000 or (800) 657-3757.

● Chapter 7001: Permits and Certifications - General Requirements [WEB](#)

● Chapter 7045: Hazardous Waste Rules

● Chapter 7046: Facility and Generator Fees [WEB](#)

● Chapter 7150: Underground Storage Tank Program [WEB](#)

● Chapter 7151: Aboveground Storage of Liquid Substances [WEB](#)

Chapter 7045: Hazardous Waste Rules [WEB](#)

Repealed, Renumbered, etc. Rules. within Chapter 7045

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| 7045.0720 | [repealed, 8 sr 2276] |
| 7045.0730 | [repealed, 8 sr 2276; 9 sr 115] |
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| 7045.0760 | [repealed, 8 sr 2276] |
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| 7045.1160 | [repealed, 9 sr 115] |
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| 7045.1220 | [repealed, 9 sr 115] |
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To request a copy of the above rules on diskettes, call the Minnesota Bookstore at 1-800-657-3757 and ask for the hazardous waste extract (cost is approximately \$25).



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TTY: 651-282-5332, TTY 24-hour emergency number: 651-297-5353 or 800-627-3529

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7045.0205 APPLICABILITY OF GENERATOR STANDARDS.

Subpart 1. **Applicability to generators.** Parts 7045.0205 to 7045.0320 apply to generators of hazardous waste. A generator shall comply with the generator requirements applicable to generator size as determined under part 7045.0206.

Subp. 2. **Applicability to transporters.** The standards applicable to generators established in parts 7045.0205 to 7045.0320 apply to transporters of hazardous waste if a transporter transports hazardous waste into Minnesota from a foreign country or mixes hazardous waste of different United States Department of Transportation shipping descriptions by placing them into a single container as provided in part 7045.0355.

Subp. 3. **Applicability to owners or operators of hazardous waste facilities.** The standards applicable to generators established in parts 7045.0205 to 7045.0320 apply to owners or operators of hazardous waste treatment, storage, or disposal facilities if a hazardous waste facility initiates a shipment of hazardous waste as provided in parts 7045.0472 and 7045.0578.

STAT AUTH: MS s 116.07

HIST: 9 SR 115; 16 SR 2102
Current as of 11/03/98

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7045.0208 HAZARDOUS WASTE MANAGEMENT.

Subpart 1. Management by generator. A generator must manage hazardous waste by using one of the methods described in items A to F, unless otherwise specifically exempted under this chapter.

A. A generator may treat or dispose of hazardous waste at an on-site facility as provided under part 7045.0211.

B. A generator may ensure delivery of hazardous waste to an off-site storage, treatment, or disposal facility. If located in the United States, the facility used must be permitted to accept hazardous waste under the agency's permitting procedures, have interim status under parts 7045.0552 to 7045.0642, or be authorized to manage hazardous waste by the Environmental Protection Agency or by a state with a hazardous waste management program authorized by the Environmental Protection Agency.

C. A generator may ensure delivery of hazardous waste to a facility that under part 7045.0125 beneficially uses or reuses, legitimately recycles, or legitimately reclaims the waste, or treats the waste before beneficial use or reuse, legitimate recycling, or legitimate reclamation.

D. A generator may export hazardous waste to a foreign country under the limitations in part 7045.0302.

E. A generator may discharge hazardous waste to a publicly owned treatment works according to the notification requirements, prohibitions, limitations, and other management requirements imposed by the publicly owned treatment works operating authority, by federal statutes and regulations, or by state statutes and rules, providing:

(1) the wastes being discharged are compatible with all piping and appurtenances which would receive the waste and conduct it to the publicly owned treatment works treatment plant; and

(2) no piping and appurtenances owned or utilized by the generator, and leading to the public sewers, will release the discharged waste to the environment.

F. A generator may ensure delivery of hazardous waste to a very small quantity generator collection program operated under part 7045.0320.

Subp. 1a. Abandonment. A generator must not dispose of or abandon hazardous waste or arrange for the disposal of hazardous waste at a location other than as provided under subpart 1.

Subp. 2. Relinquishing control. A generator must not relinquish control of a hazardous waste if:

A. the generator has reason to believe that the hazardous waste will not be properly managed;

B. the transporter or the treatment, storage, or disposal facility is not exempt under this chapter and has not received an identification number; or

C. the transporter is not currently licensed or permitted by the Minnesota Department of Transportation as a hazardous waste transporter, except as exempted in part 7045.0120.

Subp. 3. **Effect on liability.** Nothing in subparts 1 and 2 is intended to restrict, enlarge, or affect, in any way, any liability the generator may have to correct the mismanagement of the hazardous waste or pay for damages or alleviate any pollution caused by the mismanagement of the hazardous waste.

Subp. 4. **Land disposal.** Except as specified in part 7045.1300, subparts 2 and 3, hazardous wastes are subject to the requirements of parts 7045.1300 to 7045.1380.

STAT AUTH: MS s 116.07

HIST: 16 SR 2102; 18 SR 1565; 20 SR 715; 22 SR 5
Current as of 11/03/98

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7045.0211 REQUIREMENTS FOR GENERATORS WITH ON-SITE FACILITIES.

Subpart 1. **Waste procedures.** A generator who treats, stores, or disposes of a hazardous waste on site which has been produced on site must comply with this chapter and chapter 7001, and parts 7023.9000 to 7023.9050, as applicable.

Subp. 2. [Repealed, 16 SR 2102]

Subp. 3. [Repealed, 16 SR 2102]

STAT AUTH: MS s 116.07

HIST: 9 SR 115; 16 SR 2102; 18 SR 614

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7045.0270 PRETRANSPORT REQUIREMENTS.

Subpart 1. **Marking.** Before transporting or offering hazardous waste for transportation off-site, a generator must:

A. mark each package of hazardous waste in accordance with the applicable United States Department of Transportation regulations on hazardous materials under Code of Federal Regulations, title 49, part 172, as amended; and

B. mark each container of 110 gallons or less used in such transportation with the following words and information according to the Code of Federal Regulations, title 49, section 172.304 (1983):

(1) **HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal.** If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

(2) Generator Name and Address

(3) Manifest Document Number

Subp. 2. [Repealed by amendment, 9 SR 115]

Subp. 3. **Storage tank label.** Any generator or other person who maintains a storage tank containing hazardous waste shall display the words "Hazardous Waste" on the storage tank in a legible and conspicuous manner. The words "Hazardous Waste" shall be plainly visible and legible to any person who may operate any outlet valve.

Subp. 4. **Packaging.** Before transporting hazardous waste or offering a hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable United States Department of Transportation regulations on packaging under Code of Federal Regulations, title 49, parts 173, 178, and 179, as amended.

Subp. 5. **Labeling.** Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable United States Department of Transportation regulations on hazardous materials under Code of Federal Regulations, title 49, part 172, as amended.

Subp. 6. **Placarding.** Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to United States Department of Transportation regulations for hazardous materials under Code of Federal Regulations, title 49, part 172, subpart F, as amended.

Subp. 7. **Loading of hazardous waste.** A generator who is responsible for loading hazardous waste on a transport vehicle in lieu of the transporter must comply with the provisions of

part 7045.0371.

STAT AUTH: MS s 116.07

HIST: 9 SR 115; 20 SR 715
Current as of 11/03/98

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7045.0275 MANAGEMENT OF HAZARDOUS WASTE SPILLS.

Subpart 1. [Repealed, 16 SR 2102]

Subp. 2. **Spills; duty to report.** Any person in control of a hazardous waste that spills, leaks, or otherwise escapes from a container, tank, or other containment system, including its associated piping, shall immediately notify the agency if the hazardous waste may cause pollution of the air, land resources, or waters of the state. The person shall use the appropriate Minnesota duty officer's 24-hour telephone number:

A. (612) 649-5451 for Twin Cities' local calling area and outside Minnesota;

B. (800) 422-0798 for greater Minnesota;

C. (612) 297-5353 for TDD for Twin Cities' local calling area and outside Minnesota; or

D. (800) 627-3529 for TDD for greater Minnesota.

Subp. 3. **Spills; duty to recover.** Any person who generates a hazardous waste that spills, leaks, or otherwise escapes from a container, tank, or other containment system, including its associated piping, shall recover the hazardous waste as rapidly and as thoroughly as possible and shall immediately take other action as may be reasonably possible to protect human life and health and minimize or abate pollution of the water, air, or land resources of the state.

STAT AUTH: MS s 116.07

HIST: 9 SR 115; 11 SR 1832; 16 SR 2102; 18 SR 1565
Current as of 11/03/98

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7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. Large quantity generator. A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 90 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0628 except part 7045.0628, subpart 9, item C, and subpart 12; or for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 90 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

C. tanks and containers are clearly labeled with the waste accumulation start date, which must be visible for inspection; or for tanks or containers that are not used as shipping containers, the generator may maintain a clearly designated and legible log of transactions which includes accumulation start dates, clearly identifies each tank or container, and is available for inspection;

D. storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

E. containers that hold free liquids are placed on a containment surface that is impermeable to the wastes stored and, if outside, is curbed;

F. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and

G. the requirements of parts 7045.0558; 7045.0562, subparts 1 and 2; 7045.0566 to 7045.0576; and 7045.1315, subpart 1, item D are fulfilled regarding personnel training, ignitable, reactive, or incompatible waste, preparedness and prevention, contingency planning, and waste analysis for restricted wastes.

Subp. 2. Accumulation start date. A generator's accumulation start date begins when the generator initiates accumulation in a container or tank. The accumulation start date for satellite accumulation is provided for in subpart 8, item D.

7045.0270, sub 4 →
PRETRANSPORT
7045.0594, sub 2 →
Closure
0596, sub 3 →
DECON
0626 → CONT. MGMT

FOR
TANKS

0594, sub 2

0596, sub 3

0628, etc. Sub 9
etc Sub 12.

Subp. 3. [Repealed, 16 SR 2102]

Subp. 4. [Repealed, 16 SR 2102]

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 180 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0629; or for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

C. tanks and containers are clearly labeled with the waste accumulation start date, which must be visible for inspection; or for tanks or waste containers that are not used as shipping containers, the generator may maintain a clearly designated and legible log of transactions which includes accumulation start dates, clearly identifies each tank or container, and is available for inspection;

D. storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

E. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

F. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel;

G. the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention; 7045.0568, relating to the arrangements with local authorities for emergencies; and 7045.1315, subpart 1, item D, relating to waste analysis for restricted wastes; and

H. the generator complies with the following requirements:

(1) the generator must ensure that there is available at all times at least one employee, identified as the emergency coordinator, responsible for coordinating all emergency response measures provided in subitem (4); the emergency coordinator must be either on the generator's premises or available to respond to an emergency by reaching the premises

within a short period of time;

(2) the generator must post the following information next to the telephone on the premises: the name and telephone number of the emergency coordinator, the location of fire extinguishers and spill control material, the fire alarm, if present, and the telephone number of the fire department, unless there is a direct alarm;

(3) the generator must ensure and document that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies within six months after the date of their employment or assignment to a new position; and

(4) the emergency coordinator or a designee must respond to any emergencies that arise. Appropriate responses include: in the event of a fire, call the fire department or try to extinguish the fire by using a fire extinguisher; in the event of a spill, contain the flow of hazardous waste to the extent possible and as soon as practicable, clean up the hazardous waste and any contaminated materials or soils; in the event of a fire, explosion, or other release that could threaten human health outside the premises or when the generator has knowledge that a spill has reached surface water, the generator must immediately comply with part 7045.0275, subparts 2 and 3, and notify the National Response Center using its 24-hour toll free number (800) 424-8802 and provide the name, address, identification number of the generator, date, time, type of incident, and the estimated quantity and disposition of any recovered materials.

Subp. 6. Very small quantity generator. A very small quantity generator may accumulate up to 1,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste when disposed of is treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0629; or for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

C. tanks and containers are clearly labeled with the waste accumulation start date, which must be visible for inspection; or for tanks or containers that are not used as shipping containers, the generator may maintain a clearly designated and legible log of transactions which includes accumulation start dates, clearly identifies each tank or container, and is available for inspection;

D. storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

E. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

F. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel;

G. the generator meets the requirements of part 7045.0566, relating to preparedness and prevention; and

H. if the generator accumulates at any one time more than 1,000 kilograms of hazardous waste, the generator becomes a small quantity generator and is subject to regulation under subpart 5. For generators in this circumstance, all accumulated hazardous waste must be treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208 within 180 days of the date the 1,000 kilogram limit is reached.

Subp. 7. Acute hazardous waste accumulation. A small quantity generator or a very small quantity generator who generates acute hazardous waste may accumulate that waste on site indefinitely until one kilogram of acute hazardous waste or 100 kilograms of residue, contaminated soil, water, or other debris resulting from the cleanup of a spill of an acute hazardous waste into or on any land or water, is accumulated. From the date the applicable limit is reached, the entire quantity of waste must be treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208 within 90 days. A generator accumulating wastes under this subpart must meet the requirements in items A and B.

A. For the period preceding the accumulation start date, the generator must comply with subpart 5, items B to H.

B. For the period following the accumulation start date, the generator must comply with subpart 1.

Subp. 8. Satellite accumulation. Items A to D apply to all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in part 7045.0135, subparts 2 and 4, item E, per waste stream per each point of generation provided the generator complies with items B to D.

B. The generator must:

(1) comply with part 7045.0626, subparts 2 to 4 and 6;

(2) clearly label each container with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel;

(3) comply with parts 7045.0566 and 7045.0568 if a large quantity or small quantity generator, or with part 7045.0566 if a very small quantity generator;

(4) provide that outdoor satellite accumulation areas are protected from unauthorized access and inadvertent damage from vehicles or equipment; and

(5) provide that containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed.

C. In addition, the generator must:

(1) for a container or containers located within the immediate working area of the specific process producing the waste, provide direct control and visual inspection of the satellite accumulation area by persons directly responsible for the specific process producing the waste; or

(2) for a container or containers not located in the immediate working area, inspect the containers and areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors and keep a written record of the dates and findings of these inspections.

D. On the date on which the volume limit prescribed in item A is reached, the generator must:

(1) clearly label the container or containers with that date (that date is then the accumulation start date);

(2) within three days thereafter, transfer the entire satellite container's or containers' contents to the hazardous waste storage area and comply with subparts 1 to 7, as applicable; and

(3) during the three-day period for compliance, continue to comply with items B and C.

Subp. 9. **Transportation time extension.** If waste accumulated under subparts 5 and 6 must be transported 200 miles or more to a facility, the generator may store the waste for an additional 90 days beyond the established limits. In this event, the generator must maintain evidence on site that arrangements have been made for the transport of the waste to the facility and, if requested, show the evidence to the commissioner. During this time extension a small quantity generator shall not at any time exceed the 3,000 kilogram accumulation limit established in subpart 5 and a very small quantity generator shall not at any time exceed the 1,000 kilogram limit established in subpart 6.

Subp. 10. **Time extension.** One extension may be granted for up to 30 days by the commissioner if hazardous waste must remain on site for longer than the maximum allowable time under subparts 1 to 9, as applicable, due to unforeseen, temporary, and uncontrollable circumstances. A request for an extension must be submitted in writing to the commissioner and must include:

A. the amount and type of waste to be stored over the maximum allowable number of days;

B. the date the stored waste will exceed the maximum allowable number of days;

C. the location of the waste needing an extension;

D. the reason for the extension request; and

E. documentation of the generator's effort to ship the waste off site within the applicable time limit.

Subp. 11. **Accumulation requiring a permit.** A large quantity generator who accumulates hazardous waste for more than 90 days, or a small quantity generator who accumulates more than 3,000 kilograms of hazardous waste at any time, is an operator of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0642 and the agency's permitting procedures in chapter 7001 and parts 7023.9000 to 7023.9050 unless the generator has been granted a time extension under subpart 10.

STAT AUTH: MS s 116.07; 116.37

HIST: 9 SR 115; 10 SR 929; 11 SR 1950; L 1987 c 186 s 15; 13 SR 259; 14 SR 2248; 16 SR 2102; 16 SR 2239; 18 SR 614; 18 SR 1565; 18 SR 1751; 20 SR 715; 22 SR 5
Current as of 11/03/98

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7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

Subpart 1. **General requirements.** Parts 7045.0450 to 7045.0544 apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste except as specifically provided otherwise in this part or in parts 7045.0102 to 7045.0320.

Parts 7045.0450 to 7045.0544 apply to the owners or operators of publicly owned treatment works that treat, store, or dispose of hazardous waste only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures.

Parts 7045.0450 to 7045.0544 apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act of 1972, United States Code, title 16, sections 1431 to 1434, as amended, and United States Code, title 33, section 1401, as amended, only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures. Parts 7045.0450 to 7045.0544 apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

Parts 7045.0450 to 7045.0544 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380.

Subp. 2. **Relationship to interim status standards.** A facility owner or operator who has fully complied with the requirements for interim status under part 7045.0554 shall comply with parts 7045.0552 to 7045.0642 in lieu of parts 7045.0450 to 7045.0544 until final administrative disposition of the permit application is made. The treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit and except for the extent to which parts 7045.0552 to 7045.0642 provide for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made, except as provided under parts 7045.0485, 7045.0545, and 7045.0546.

Subp. 3. **Exemptions.** The requirements of parts 7045.0450 to 7045.0544 do not apply to the following specific waste management units, facilities, or activities, although all other waste management activities of the owner or operator may be regulated:

A. a facility managing recyclable hazardous wastes subject to regulation under part 7045.0125, 7045.0665, 7045.0675, or 7045.0685; however, this exemption does not apply where part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 makes the requirements of parts 7045.0450 to 7045.0544 applicable by cross-reference;

B. the accumulation of waste on-site in compliance with part 7045.0292;

C. the disposal of waste pesticides from a farmer's own use in compliance with part 7045.0213, subpart 2;

D. a totally enclosed treatment facility;

E. an elementary neutralization unit, pretreatment unit, or a wastewater treatment unit, but only if the unit does not receive hazardous waste from generators other than the owner or operator of the unit;

F. the treatment, storage, or disposal of hazardous waste by the owner or operator of a publicly owned treatment works with respect to hazardous waste which is delivered to the treatment works by a transport vehicle or vessel or through a pipe, unless the requirements of parts 7045.0450 to 7045.0544 are included in a permit-by-rule;

G. that portion of a combustion waste facility which is used to manage hazardous waste produced in conjunction with the combustion of fossil fuels provided that the wastes:

(1) are generated on-site;

(2) traditionally have been and actually are mixed with and codisposed or cotreated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from coal combustion; and

(3) are necessarily associated with the production of energy; such as boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, and cooling tower blowdown;

H. the storage of manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4, at a transfer facility for a period of ten days or less in compliance with part 7045.0365;

I. the addition of absorbent material to hazardous waste in a container or the addition of hazardous waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container, and parts 7045.0456, subpart 2, and 7045.0526, subparts 2 and 3, are complied with;

J. (1) except as provided in subitem (2), treatment or containment activities during immediate response to any of the following situations: a discharge of a hazardous waste, an imminent and substantial threat of a discharge of hazardous waste, or a discharge of a material which, when discharged, becomes a hazardous waste;

(2) an owner or operator of a facility otherwise regulated by parts 7045.0450 to 7045.0544 shall comply with all applicable requirements of parts 7045.0395, 7045.0397, 7045.0454, and 7045.0462 to 7045.0470; or

(3) a person who is covered by subitem (1) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of parts 7045.0450 to 7045.0544 and the agency's permitting procedures for those activities; or

K. treatment of hazardous waste by a generator in the

generator's accumulation tanks or containers in accordance with part 7045.0292. If the treatment involves evaporation of aqueous waste or polymerization of polyester or other chemical fixation treatment processes in open containers, the generator is exempt from parts 7045.0450 to 7045.0544, but before beginning the treatment process must submit to the commissioner the information required under part 7045.0539, subpart 2, items A to C, that is relevant to the treatment activity and must be notified by the commissioner that the treatment activity is approved. The commissioner shall approve the treatment activity if the commissioner finds that the treatment activity will not endanger human health and the environment.

STAT AUTH: MS s 116.07

HIST: 9 SR 115; 10 SR 929; 10 SR 1688; 13 SR 1238; 16 SR 2102; 18 SR 1565; 20 SR 714; 20 SR 715; 22 SR 5
Current as of 11/03/98

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7045.0626 USE AND MANAGEMENT OF CONTAINERS.

Subpart 1. Scope. This part applies to owners and operators of hazardous waste facilities that store containers of hazardous waste, except as part 7045.0552 provides otherwise. Under parts 7045.0127, subparts 2 to 4 and 7045.0135, subpart 4, item C, if a hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is empty, as defined in part 7045.0127, subparts 2 to 4. In that event, management of the container is exempt from the requirements of this part.

Subp. 2. Condition of containers. Containers used to store hazardous waste must meet the following requirements:

A. be of sturdy leakproof construction, adequate wall thickness, adequate weld, hinge, and seam strength and sufficient strength to withstand side and bottom shock, while filled, without impairment of the ability of the container to fully contain the hazardous waste; and

B. have lids, caps, hinges, or other closure devices of sufficient strength and construction so that when closed they will withstand dropping, overturning, or other shock without impairment of the container's ability to fully contain the hazardous waste.

If a container holding hazardous waste does not meet the requirements of items A and B or if it begins to leak, the owner or operator shall transfer the hazardous waste from this container to a container that does meet the requirements of items A and B, or manage the waste in some other way that complies with the requirements of this part.

Subp. 3. Compatibility of waste with containers. The owner or operator shall use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored and other substances that the container may foreseeably contact, so that the ability of the container to contain the waste is not impaired.

Subp. 4. Management of containers. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste or when a generator is treating hazardous waste in that container in accordance with part 7045.0450, subpart 3, item K, or 7045.0552, subpart 3, item K.

A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. Reuse of containers is governed by United States Department of Transportation regulations, including those set forth in Code of Federal Regulations, title 49, section 173.28, as amended.

The owner or operator shall store containers which if exposed to moisture or direct sunlight may create a hazardous condition or adversely affect the container's ability to contain

the hazardous waste, in an area with overhead roofing or other covering that does not obstruct the visibility of the labels.

Subp. 4a. Labeling. Containers must be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel. If it is not possible for the labels to be clearly visible for inspection, the information on the labels must be accessible in some other form that will allow ready identification of the contents without having to move the containers.

Subp. 5. Inspections. The owner or operator shall inspect hazardous waste containers and areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors and shall keep a written record of the dates and findings of these inspections.

Subp. 6. Special requirements for incompatible wastes. Incompatible wastes or incompatible wastes and materials must not be placed in the same container, unless compliance with part 7045.0562, subpart 2, is maintained.

Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material unless compliance with part 7045.0562, subpart 2, is maintained.

A storage container holding a hazardous waste that is incompatible with any waste or other materials located nearby must be adequately separated from the other materials or protected from them by means of a dike, berm, wall, or other device. The purpose of this requirement is to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak.

Subp. 7. Special requirements for ignitable or reactive waste. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line, when physically possible based on the dimensions of the property. When it is not physically possible to place containers at least 50 feet from the property line, based on the dimensions of the property, the ignitable or reactive waste must be placed at least as far as the specified minimum distance from property line found in Table Number 79.503-F of the Minnesota Uniform Fire Code as incorporated by reference in part 7510.3510. Nothing in this subpart shall relieve the facility owner or operator from the obligation to comply with any local, state, or federal law governing storage of these wastes.

Subp. 8. Closure. At closure, all hazardous waste and hazardous waste residues must be removed from the storage area. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure and throughout the operating period, unless the owner or operator can demonstrate that the waste removed from the storage area is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of parts 7045.0205 to 7045.1030.

STAT AUTH: MS s 116.07

HIST: 9 SR 115; 14 SR 2248; 18 SR 1565; 20 SR 715; 22 SR 5; 22 SR

2300
Current as of 11/03/98

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7045.0020 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the following words shall have the meanings given them.

Subp. 1a. **Aboveground tank.** "Aboveground tank" means a device meeting the definition of "tank" in subpart 90 and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank, including the tank bottom, is able to be visually inspected.

Subp. 2. **Act.** "Act" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, United States Code, title 42, sections 3259 and 6901 to 6986, as amended.

Subp. 2a. **Active life.** "Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the commissioner receives certification of final closure.

Subp. 3. **Active portion.** "Active portion" means that portion of a facility, other than a closed portion, where treatment, storage, or disposal operations are being or have been conducted after July 16, 1984.

Subp. 3a. **Acute hazardous waste.** "Acute hazardous waste" means waste listed as acute hazardous waste in part 7045.0135 or waste designated acute hazardous waste in part 7045.0129, subpart 3.

Subp. 4. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 4a. **Ancillary equipment.** "Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank, between hazardous waste storage and treatment tanks to a point of disposal on site, or to a point of shipment for disposal off site.

Subp. 5. **Aquifer.** "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

Subp. 6. **Authorized representative.** "Authorized representative" means the person responsible for the overall operation of a facility or an operational unit which is part of a facility, such as the plant manager, superintendent, or a person of equivalent responsibility.

Subp. 6a. **Boiler.** "Boiler" means an enclosed device using controlled flame combustion and having the characteristics specified in item A or B. If used oil or hazardous waste is to be used as a fuel in an industrial boiler or a utility boiler, these boilers must meet the additional criteria in items C and D.

A. (1) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluid, or heated gases.

(2) The unit's combustion chamber and primary energy recovery sections must be of integral design (physically formed into one manufactured or assembled unit). A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; secondary energy recovery equipment (such as air preheaters or economizers) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. Process heaters which transfer energy directly to a process stream and fluidized bed combustion units are not precluded from being considered boilers under this definition solely because they are not of integral design.

(3) While in operation, the unit must maintain a thermal energy efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel.

(4) The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. No credit shall be given for recovered heat used internally in the same unit for purposes such as preheating fuel or combustion air or the driving of induced or forced draft fans or feedwater pumps.

B. The unit is one which the commissioner has determined meets the criteria for a boiler after considering the standards in part 7045.0075, subpart 4.

C. An industrial boiler burning used oil or hazardous waste as a fuel must be located on the site of an establishment engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

D. A utility boiler burning used oil or hazardous waste as a fuel must be one that is used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

Subp. 6b. **By-product.** "By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms.

Subp. 6c. **Burner.** "Burner" means an owner or operator of an industrial furnace, industrial boiler, or utility boiler meeting the definition of industrial furnace in subpart 43b or boiler in subpart 6a.

Subp. 6d. **Cathodic protection.** "Cathodic protection" means the technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. A tank can be cathodically protected through the application of either galvanic anodes or impressed current.

Subp. 7. **Certification.** "Certification" means a statement

of professional opinion based upon knowledge and belief.

Subp. 8. **Chemical composition.** "Chemical composition" means any of the following:

A. a standard chemical nomenclature such as those adopted by the International Union of Pure and Applied Chemistry or the Chemical Abstracts' Service;

B. a common chemical name when it is documented to the commissioner that the number of isomers, related compounds of similar chemical structure and property, etc., make chemical analysis or delineation impractical; or

C. a common chemical name of a mixture of components with similar properties, but not including a trade name.

Subp. 9. **Closed portion.** "Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements.

Subp. 9a. **Collector.** "Collector" means an initial transporter who receives used oil only from generators and does not market the used oil directly to a person who burns it for energy recovery.

Subp. 9b. **Combustible liquid.** "Combustible liquid" has the meaning given in Code of Federal Regulations, title 49, section 173.115, as amended.

Subp. 9c. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency or the commissioner's designee. In federal regulations adopted by reference, the terms "regional administrator" and "director" mean "commissioner."

Subp. 9d. **Compatible.** "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another. For a secondary containment seal, the impermeability of the seal must be maintained upon contact with a stored substance. For substances, two or more substances, if mixed, must not create a new hazard.

Subp. 9e. **Component.** "Component" means either a tank or ancillary equipment of a tank system.

Subp. 10. **Confined aquifer.** "Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

Subp. 10a. **Consignee.** "Consignee" means the ultimate treatment, storage, or disposal facility in a receiving country to which the hazardous waste will be sent.

Subp. 10b. **Construction commenced.** "Construction commenced" is related to the definition of "existing facility," and has the following meaning. A facility has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and:

A. a continuous on-site, physical construction program has begun; or

B. the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

Subp. 11. Container. "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Subp. 12. Contingency plan. "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Subp. 13. Control equipment. "Control equipment" means an "air containment treatment facility" or a "treatment facility" as defined in Minnesota Statutes, section 116.06, subdivision 3.

Subp. 13a. Corrective action management unit or CAMU. "Corrective action management unit" or "CAMU" means an area within a facility that is designated by the commissioner under parts 7045.0545 and 7045.0546, for the purpose of implementing corrective action requirements under part 7045.0275, subpart 3, or 7045.0485, or RCRA, section 3008(h). CAMUs typically consist of land-based units such as, but not limited to, waste piles, landfills, or surface impoundments approved by the commissioner. A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

Subp. 13b. Corrosion expert. "Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

Subp. 13c. Corrosion protection. "Corrosion protection" means a method used to protect a metal tank, piping, or other components from corroding. Corrosion protection includes, but is not limited to, cathodic protection, keeping the metal of the tank from being in direct contact with other surfaces, and the application of coatings designed and maintained to prevent corrosion.

Subp. 14. Demolition debris. "Demolition debris" means concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural metal, and wood from demolished structures.

Subp. 15. Designated facility. "Designated facility" means a hazardous waste treatment, storage, or disposal facility which:

A. (1) has received interim status;

(2) has received an agency permit;

(3) is subject to the requirements of part 7045.0125, subpart 5 or 6, or 9, item B, or part 7045.0685; or

(4) if located outside Minnesota, has been exempted from the requirements to obtain a permit by the United States Environmental Protection Agency, has either received an Environmental Protection Agency permit or a permit from an authorized state, or has interim status;

B. has been designated on the manifest by the generator pursuant to part 7045.0261, or has been designated in the management plan required by part 7045.0230; and

C. if located in an Environmental Protection Agency authorized state which has not yet obtained authorization to regulate the hazardous waste it is receiving as hazardous, must be a facility allowed by the receiving state to accept the waste.

Subp. 15a. **Detect and detection.** "Detect" and "detection" refer to the finding of statistically significant evidence of contamination as described in part 7045.0484, subpart 12, item F.

Subp. 16. **Dike.** "Dike" means an embankment or ridge of either natural or synthetic materials used to prevent the movement of liquids, sludges, solids, or other materials.

Subp. 17. [Repealed by Amendment, L 1987 c 186 s 15]

Subp. 18. **Discarded.** "Discarded" means abandoned by being:

A. disposed of;

B. burned or incinerated; or

C. accumulated, stored, or treated, but not recycled, before or in lieu of being disposed of, burned, or incinerated.

Subp. 19. **Disposal.** "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Subp. 20. **Disposal facility.** "Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

Subp. 20a. **Drip pad.** "Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of nonearthen materials and designed to convey preservative kickback or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

Subp. 21. **Elementary neutralization unit.** "Elementary neutralization unit" means a device which:

A. is used for neutralizing wastes which are

hazardous wastes only because they exhibit the corrosivity characteristic defined in part 7045.0131, subpart 4, or are listed in part 7045.0135 only for this reason; and

B. meets the definition of tank, tank system, container, transport vehicle, or vessel.

Subp. 21a. **EPA Acknowledgment of Consent.** "EPA Acknowledgment of Consent" means the cable sent to EPA from the United States Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

Subp. 21b. [Repealed, 22 SR 5]

Subp. 22. **Equivalent method.** "Equivalent method" means any testing or analytical method approved by the commissioner under part 7045.0075, subpart 1.

Subp. 22a. **Exceed and exceeded.** "Exceed" and "exceeded" refer to the finding of statistically significant evidence of increased contamination as described in part 7045.0484, subpart 13, item D.

Subp. 22b. **Existing drip pad.** "Existing drip pad" means a drip pad that:

A. is or was used to manage hazardous waste with the waste code of F032 and was constructed, or for which the owner or operator had a design and had entered into binding financial or other agreements for construction, before December 6, 1990; or

B. is used to manage hazardous waste with the waste code of F034 or F035 and was constructed, or for which the owner or operator had a design and had entered into binding financial or other agreements for construction, before July 25, 1994.

Subp. 22c. **Existing hazardous waste management facility or existing facility.** "Existing hazardous waste management facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. See subpart 10b for definition of "construction commenced."

Subp. 23. **Existing portion.** "Existing portion" means the land surface area of an existing waste management unit that is included in the original Part A permit application, and on which wastes have been placed before a permit has been issued.

Subp. 23a. **Existing tank system or existing component.** "Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste that is in operation, or for which installation has commenced on or before August 8, 1988, or a tank system or component that is regulated as an existing tank system or component under Code of Federal Regulations, title 40, section 260.10. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either (1) a continuous on-site physical construction or installation program has begun, or (2) the owner or operator has entered into

contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

Subp. 24. Facility. "Facility" means:

A. all contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units, such as one or more landfills, surface impoundments, or combinations thereof; and

B. for the purpose of implementing corrective action under part 7045.0485, all contiguous property under the control of an owner or operator seeking a permit under parts 7001.0010 to 7001.0730 or subtitle C of RCRA, including facilities implementing corrective action under part 7045.0275, subpart 3, or RCRA, section 3008(h).

Subp. 24a. Final closure. "Final closure" means the closure of all hazardous waste management units at the facility in accordance with the approved facility closure plan and all applicable closure requirements.

Subp. 24b. Flammable liquid. "Flammable liquid" has the meaning given in Code of Federal Regulations, title 49, section 173.115, as amended.

Subp. 25. Flash point. "Flash point" means the minimum temperature at which a material gives off vapor in sufficient concentration to form an ignitable mixture with air near the surface of the material when in contact with a spark or flame.

Subp. 26. Food chain crops. "Food chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

Subp. 27. Formation. "Formation" means a body of soil or rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily tabular, and is mappable on the earth's surface or traceable in the subsurface.

Subp. 28. Freeboard. "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

Subp. 29. Free liquids. "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

Subp. 30. Garbage. "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 31. Generator. "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in parts 7045.0102 to 7045.0143, or whose act first causes a hazardous waste to become subject to regulation. "Generator" means all size generators including large quantity generators, small quantity generators, and very small quantity generators, unless specifically stated otherwise.

Subp. 32. Ground water or underground water. "Ground water" or "underground water" has the meaning given in part 7060.0300.

Subp. 32a. Halogenated organic compounds or HOC's. "Halogenated organic compounds" or "HOC's" means those compounds having a carbon-halogen bond that are listed under Appendix III of Code of Federal Regulations, title 40, part 268, as amended.

Subp. 33. Hazardous waste. "Hazardous waste" has the meaning given in Minnesota Statutes, section 116.06, subdivision 11.

Subp. 34. Hazardous waste constituent. "Hazardous waste constituent" means a constituent that caused the commissioner to list the waste in part 7045.0135 or a constituent listed in part 7045.0141.

Subp. 34a. Hazardous waste fuel. "Hazardous waste fuel" means a hazardous waste that is burned for energy recovery and includes fuel that is produced from hazardous waste by processing, blending, or other treatment, except for those blended fuels described as used oil in part 7045.0800.

Subp. 35. Hazardous waste incinerator. "Hazardous waste incinerator" means an enclosed device using controlled flame combustion, a purpose of which is to thermally break down hazardous waste and that neither meets the criteria for classification as a boiler nor is listed or can be classified as an industrial furnace.

Subp. 36. Hazardous waste management. "Hazardous waste management" means the total system for the identification, storage, collection, source separation, and removal of hazardous waste from public or private property, the transportation of the waste to a hazardous waste facility, and the processing, treatment, recovery, and disposal of the waste by approved methods in accordance with this chapter. Any reference to hazardous waste being managed shall refer to the foregoing.

Subp. 36a. Hazardous waste management unit. "Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

Subp. 37. Hazardous waste number. "Hazardous waste number" means the number assigned to each hazardous waste listed in part 7045.0135 and to each characteristic identified in part 7045.0131.

Subp. 37a. Household. "Household" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (a).

Subp. 37b. Household battery. "Household battery" means a disposable or rechargeable dry cell, generated by a household and commonly used as a power source for household products.

"Household battery" includes nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, zinc-air, lithium, and zinc-carbon batteries, but excludes lead-acid batteries.

Subp. 37c. **Household hazardous waste.** "Household hazardous waste" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

Subp. 37d. **Household hazardous waste collection site or collection site.** "Household hazardous waste collection site" or "collection site" as used in part 7045.0310 has the meaning established under Minnesota Statutes, section 115A.96, subdivision 1, paragraph (c).

Subp. 37e. **Household waste.** "Household waste" means any material including garbage, trash, and sanitary waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Subp. 38. **Identification number.** "Identification number" means the number assigned to each generator, transporter, and treatment, storage, or disposal facility by either the Environmental Protection Agency, the state of Minnesota, or a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271, as amended.

Subp. 38a. **Impermeable.** "Impermeable" means unable to be passed through.

Subp. 39. **In operation.** "In operation" means a facility which is treating, storing, or disposing of hazardous waste.

Subp. 40. **Inactive portion.** "Inactive portion" means that portion of a facility which is not operated after July 16, 1984.

Subp. 40a. **Incidental burner.** "Incidental burner" means a person who burns some used oil fuel for purposes of processing other used oil or treating other used oil to produce used oil fuel for marketing. These persons are considered to be burning incidentally to processing.

Subp. 41. **Incompatible wastes.** "Incompatible wastes" means a hazardous waste which is unsuitable for:

A. placement in a particular device or facility because it may cause corrosion or decay of containment materials such as the container inner liners or tank walls; or

B. commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reactions, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

Subp. 42. **Independent registered engineer.** "Independent registered engineer" means a registered engineer who is not a regular employee of the owner or operator of the facility, but rather is consulted on an intermittent basis.

Subp. 43. **Individual generation site.** "Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation

site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

Subp. 43a. Indoor storage. "Indoor storage" means storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to an impermeable floor placed on the ground.

Subp. 43b. Industrial furnace. "Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy: cement kilns; lime kilns; aggregate kilns; phosphate kilns; coke ovens; blast furnaces; smelting, melting, and refining furnaces, including pyrometallurgical devices, such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces; titanium dioxide chloride process oxidation reactors; methane reforming furnaces; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and such other devices as the commissioner determines qualify for inclusion based on one or more of the following factors:

A. the design and use of the device primarily to accomplish recovery of material products;

B. the use of the device to burn or reduce raw materials to make a material product;

C. the use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as feedstocks;

D. the use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product; or

E. the use of the device in common industrial practice to produce a material product.

Subp. 43c. Inground tank. "Inground tank" means a device meeting the definition of "tank" in subpart 90 whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

Subp. 44. Injection well. "Injection well" means a well into which fluids are injected.

Subp. 45. Inner liner. "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

Subp. 45a. Inorganic solid debris. "Inorganic solid debris" means nonfriable inorganic solids contaminated with D004-D011 hazardous wastes that are incapable of passing through a 9.5 millimeter standard sieve; that require cutting or crushing and grinding in mechanical sizing equipment prior to stabilization; and that are limited to the following inorganic or metal materials:

A. metal slags, either dross or scoria;

- B. glassified slag;
- C. glass;
- D. concrete, excluding cementitious or pozzolanic stabilized hazardous wastes;
- E. masonry and refractory bricks;
- F. metal cans, containers, drums, or tanks;
- G. metal nuts, bolts, pipes, pumps, valves; appliances, or industrial equipment; and
- H. scrap metal as defined in subpart 79a.

Subp. 45b. **Installation inspector.** "Installation inspector" means a person who, by knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

Subp. 46. **Interim status.** "Interim status" has the meaning given in part 7045.0554.

Subp. 47. **International shipment.** "International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

Subp. 47a. **Land disposal.** "Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

Subp. 48. **Land treatment facility.** "Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface. Such facilities are disposal facilities if the waste will remain after closure.

Subp. 49. **Landfill.** "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

Subp. 50. **Landfill cell.** "Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

Subp. 51. **Leachate.** "Leachate" means any liquid including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

Subp. 51a. **Leak detection system.** "Leak detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the

secondary containment structure. Such a system must employ operational controls, such as daily visual inspections for releases into the secondary containment system of aboveground tanks, or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

Subp. 52. **Liner.** "Liner" means a continuous layer of reworked natural or synthetic materials beneath or on the sides of a surface impoundment, landfill, landfill cell, or waste pile, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

Subp. 53. **Manifest.** "Manifest" means the shipping document originated and signed by the generator in accordance with part 7045.0261.

Subp. 54. **Manifest document number.** "Manifest document number" means the identification number assigned to the generator plus a unique five-digit number assigned to the manifest by the generator for recording and reporting purposes.

Subp. 55. **Manufacturing or mining by-product.** "Manufacturing or mining by-product" means a material that is not one of the primary products of a particular manufacturing or mining operation, and is a secondary and incidental product of the particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and is typically processed through the next step of the process within a short time.

Subp. 55a. **Marketer.** "Marketer" means a generator who markets hazardous waste fuel or used oil fuel directly to a burner; a person who receives hazardous waste or used oil from generators and produces, processes, or blends hazardous waste fuel from these hazardous wastes, or blends used oil from these oils; a person who distributes but does not process or blend hazardous waste fuel or used oil; and a person who sends blended or processed used oils to brokers or other intermediaries.

Subp. 56. **Median lethal concentration.** "Median lethal concentration" means the calculated concentration at which a material kills 50 percent of a group of test animals within a specified time.

Subp. 57. **Median lethal dose.** "Median lethal dose" means the calculated dose at which a material kills 50 percent of a group of test animals within a specified time.

Subp. 58. **Mining overburden returned to the mine site.** "Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

Subp. 58a. **Miscellaneous unit.** "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill,

incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under Code of Federal Regulations, title 40, part 146, containment building, corrective action management unit, or unit eligible for a research, development, and demonstration permit under part 7001.0712.

Subp. 58b. **Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 59. **Movement.** "Movement" means hazardous waste that is transported to a facility in an individual vehicle.

Subp. 59a. **New drip pad.** "New drip pad" means a drip pad that:

A. is or was used to manage hazardous waste with the waste code of F032 and was constructed, or for which the owner or operator had or has a design and had or has entered into binding financial or other agreements for construction, on or after December 6, 1990; or

B. is used to manage hazardous waste with the waste code of F034 or F035 and was constructed, or for which the owner or operator had or has a design and had or has entered into binding financial or other agreements for construction, on or after July 25, 1994.

Subp. 59b. **New tank system or new tank component.** "New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after August 8, 1988, or a tank system or component that is regulated as a new tank system or component under Code of Federal Regulations, title 40, section 260.10, as amended. However, for purposes of obtaining approval for a petition under part 7045.0075, subpart 7, a new tank system is one for which construction commences after the applicable effective dates of regulation as required in this subpart.

Subp. 59c. **Nonwastewater.** "Nonwastewater" means hazardous waste that is not wastewater as defined in subpart 102c.

Subp. 59d. **Off-specification used oil.** "Off-specification used oil" means a used oil fuel that exceeds any of the specification levels for the following constituents or has a flash point less than 100 degrees Fahrenheit.

| Constituent | Allowable level |
|-----------------|---------------------------------|
| Arsenic, total | 5 parts per million maximum |
| Cadmium, total | 2 parts per million maximum |
| Chromium, total | 10 parts per million maximum |
| Lead, total | 100 parts per million maximum |
| Total Halogens | 4,000 parts per million maximum |

Subp. 59e. **Onground tank.** "Onground tank" means a device meeting the definition of "tank" in subpart 90 and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

Subp. 60. **On-site.** "On-site" means the same or geographically contiguous property which may be divided by

public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he or she controls and to which the public does not have access, is also considered on-site property.

Subp. 60a. **On-specification used oil.** "On-specification used oil" means used oil fuel that does not exceed the specification levels for the constituents in subpart 59d, and has a flash point equal to or greater than 100 degrees Fahrenheit.

Subp. 61. **Open burning.** "Open burning" means the combustion of any material without the following characteristics:

A. control of combustion air to maintain adequate temperature for efficient combustion;

B. containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or

C. control of emission of the gaseous combustion products.

Subp. 62. **Operator.** "Operator" means the person responsible for the overall operation of a facility.

Subp. 63. **Other waste material.** "Other waste material" means any solid, liquid, semisolid, or gaseous material, resulting from industrial, commercial, mining, or agricultural operations, or from community activities, and which:

A. is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded; or

B. is recycled or is accumulated, stored, or treated prior to being recycled; or

C. is a spent material or by-product.

Subp. 64. **Owner.** "Owner" means the person who owns a facility or part of a facility.

Subp. 64a. **Outdoor storage.** "Outdoor storage" means storage that does not meet the requirements of indoor storage as defined in subpart 43a.

Subp. 65. **Partial closure.** "Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of parts 7045.0450 to 7045.0544 or 7045.0552 to 7045.0642 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank, including its associated piping and containment systems, a landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

Subp. 66. **Person.** "Person" has the meaning given in Minnesota Statutes, section 116.06, subdivision 17.

Subp. 67. **Personnel; facility personnel.** "Personnel" or "facility personnel" means all persons who work at or oversee the operation of a hazardous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of this chapter.

Subp. 68. **Pesticide.** "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subp. 68a. **Petroleum.** "Petroleum" means:

A. liquid petroleum products as defined in Minnesota Statutes, section 115C.02, subdivision 10;

B. an unused crude oil or fraction of unused crude oil that is liquid at a temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; or

C. constituents of gasoline and unused fuel oil as described under items A and B.

Subp. 69. [Repealed, 10 SR 1688]

Subp. 70. **Pile.** "Pile" means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

Subp. 70a. **Pipeline interface material.** "Pipeline interface material" means off-specification fuel created by the mixing of fuel products of different specifications in a pipeline during transportation.

Subp. 71. **Point source.** "Point source" has the meaning given in Minnesota Statutes, section 115.01, subdivision 11, but does not include irrigation return flows.

Subp. 71a. **Polychlorinated biphenyls or PCB's.** "Polychlorinated biphenyls" or "PCB's" are halogenated organic compounds defined in accordance with Code of Federal Regulations, title 40, section 761.3, as amended.

Subp. 72. **Pretreatment unit.** "Pretreatment unit" means a device which:

A. is part of a wastewater treatment facility which is subject to regulation under the Federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, section 1317(b), as amended through June 30, 1983;

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0102 to 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0102 to 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0102 to 7045.0143; and

C. meets the definition of "tank" as defined in subpart 90.

Subp. 72a. **Primary exporter.** "Primary exporter" means any

person who is required to originate the manifest for a shipment of hazardous waste in accordance with Code of Federal Regulations, title 40, part 262, subpart B, as amended, or equivalent state provision, that specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

Subp. 73. **Publicly owned treatment works.** "Publicly owned treatment works" means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature, including recycling and reclamation, which is owned by a state or municipality as defined in the Federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, section 1362(4), as amended. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

Subp. 73a. **RCRA.** "RCRA" means the Resource Conservation and Recovery Act, as amended.

Subp. 73b. **Receiving country.** "Receiving country" means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage, or disposal, except short-term storage incidental to transportation.

Subp. 73c. **Reclamation.** "Reclamation" means the processing or regeneration of a waste to recover a usable product. Examples are the recovery of lead values from spent batteries and regeneration of spent solvents.

Subp. 73d. **Record or recordkeeping.** "Record" or "recordkeeping" means storing information either in printed form or in a computer storage system or other electronic medium.

Subp. 73e. **Recyclable fuel.** "Recyclable fuel" means any petroleum fuel which is no longer fit for use and which requires reclamation to be used.

Subp. 73f. **Recycle.** "Recycle" means the reclamation, reuse, or use of a hazardous waste.

Subp. 73g. **Regional administrator.** "Regional administrator" means the regional administrator for the United States Environmental Protection Agency, Region V, Chicago, Illinois.

Subp. 73h. **Registered fuel recycling facility.** "Registered fuel recycling facility" means a facility where the owners or operators have notified the commissioner of its waste management activities according to part 7045.0125, subpart 9, item D, and have received acknowledgment or confirmation by the commissioner that the agency is aware of the facility's waste management activities.

Subp. 73i. **Remediation waste.** "Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under part 7045.0275, subpart 3, or 7045.0485, or RCRA, section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste

managed in implementing part 7045.0275, subpart 3, or RCRA, section 3004(v) or 3008(h), for releases beyond the facility boundary.

Subp. 73j. **Replacement unit.** "Replacement unit" means a landfill, surface impoundment, or waste pile unit (1) from which all or substantially all of the waste is removed, and (2) that is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or state-approved corrective action.

Subp. 74. **Representative sample.** "Representative sample" means a sample of a universe or whole, such as a waste pile, lagoon, or ground water which can be expected to exhibit the average properties of the universe or whole.

Subp. 75. **Resource recovery.** "Resource recovery" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. 75a. **Reuse.** "Reuse" means employing a waste as an ingredient in an industrial process to make a product or as an effective substitute for a commercial product, provided that distinct components of the waste are not recovered as end products.

Subp. 76. **Rubbish.** "Rubbish" means discarded paper, cardboard, yard clippings, crop residues, brush, wood, glass, bedding, crockery, or litter.

Subp. 77. **Runoff.** "Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Subp. 78. **Run-on.** "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

Subp. 79. **Saturated zone or zone of saturation.** "Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

Subp. 79a. **Scrap metal.** "Scrap metal" means bits and pieces of metal parts (for example, bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (for example, radiators, scrap automobiles, railroad box cars) which when worn or superfluous can be recycled.

Subp. 80. **Seasonal high water table.** "Seasonal high water table" means the highest level the water table reaches during a given year.

Subp. 80a. **Secondary containment.** "Secondary containment" means a safeguard specifically designed to contain releases of hazardous waste or hazardous waste constituents from a container or a storage tank or its appurtenances.

Subp. 81. **Sewage.** "Sewage" has the meaning given in Minnesota Statutes, section 115.01, subdivision 17.

Subp. 82. **Sewer system.** "Sewer system" has the meaning given in Minnesota Statutes, section 115.01, subdivision 18.

Subp. 83. **Shoreland.** "Shoreland" has the meaning given in Minnesota Statutes, section 103F.205, subdivision 4, and rules adopted pursuant to that section.

Subp. 84. **Sludge.** "Sludge" has the meaning given in Minnesota Statutes, section 116.06, subdivision 21.

Subp. 84a. **Speculative accumulation.** "Speculative accumulation" means accumulation of a hazardous waste before it is recycled. Speculative accumulation does not include accumulation of a waste if there is a feasible method of recycling for the waste and at least 75 percent by volume or weight of the waste is recycled during a calendar year. The 75 percent requirement applies to each waste of the same type that is recycled in the same way.

Subp. 84b. **Spent material.** "Spent material" means a material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

Subp. 85. **Spill.** "Spill" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, or dumping into or on any land or water of hazardous wastes or materials which, when spilled, become hazardous wastes.

Subp. 86. **State.** "State" means the state of Minnesota.

Subp. 87. **Storage.** "Storage" means the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

Subp. 87a. **Sump.** "Sump" means any pit or reservoir that meets the definition of "tank" and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

Subp. 88. **Surface impoundment or impoundment.** "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, excavation made by humans, or diked area formed primarily of earthen materials which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons. Impoundments may be lined with synthetic materials.

Subp. 89. **Surficial karst features.** "Surficial karst features" means features formed in soluble bedrock and which have surficial expressions or are shallow enough to potentially affect the integrity of an overlying facility.

Subp. 90. **Tank.** "Tank" means a stationary device designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials, such as wood,

concrete, steel, and plastic, which provide structural support.

Subp. 90a. **Tank system.** "Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

Subp. 90b. **Temporary unit.** "Temporary unit" means a tank or container used to treat or store remediation waste for a period of less than one year, as governed by part 7045.0540.

Subp. 91. **Thermal treatment.** "Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. "Thermal treatment" includes processes of incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

Subp. 92. **Totally enclosed treatment facility.** "Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

Subp. 93. **Transfer facility.** "Transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

Subp. 93a. **Transit country.** "Transit country" means any foreign country, other than a receiving country, through which a hazardous waste is transported.

Subp. 94. **Transportation.** "Transportation" means the movement of hazardous waste by air, rail, highway, or water.

Subp. 95. **Transport vehicle.** "Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body, such as a trailer or railroad freight car, is a separate transport vehicle.

Subp. 96. **Transporter.** "Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

Subp. 96a. **Treatability study.** "Treatability study" means a study in which a hazardous waste is subjected to a treatment process to determine:

- A. whether the waste is amenable to the treatment process;
- B. what pretreatment might be required;
- C. the optimal process conditions needed to achieve the desired treatment;
- D. the efficiency of a treatment process for a specific waste or wastes; or
- E. the characteristics and volumes of residuals from

a particular treatment process.

Also included in this definition, for the purpose of the exemptions of part 7045.0121, are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

Subp. 97. Treatment. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, or so as to recover energy or material resources from the waste, or so as to render the waste nonhazardous, or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, amenable for storage, or reduced in volume.

Subp. 98. Treatment zone. "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

Subp. 98a. Underground tank. "Underground tank" means a device meeting the definition of "tank" in subpart 90 whose entire surface area is totally below the surface of and covered by the ground.

Subp. 98b. Unfit for use tank system. "Unfit for use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

Subp. 99. Unsaturated zone; zone of aeration. "Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

Subp. 100. Uppermost aquifer. "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

Subp. 100a. Used oil. "Used oil" means any oil which has been refined from crude oil or any synthetic oil derived from coal, shale, or polymer or nonpolymer base, that has been used as a lubricant, heat transfer fluid, hydraulic fluid, or for similar uses, and as a result of such use has become contaminated by physical or chemical impurities. Lubricants include, but are not limited to motor oil, greases, metalworking lubricants including aqueous metalworking lubricants containing petroleum oil, emulsions, and refrigerant oils. Heat transfer fluids include, but are not limited to, coolants, heating media, and electrical insulation oils. Hydraulic fluids include, but are not limited to, transmission fluids, power steering fluids, and brake fluids. Virgin oils of the types described in this subpart that are intentionally disposed in solid waste, or in or on the land or waters of the state before being used for their original intended purpose are used oil. Used oil does not include: petroleum-based products used as solvents; product fuels; ethylene and propylene glycol antifreeze; wastewater from which used oil has been recovered to the extent possible; used oil residues and sludges generated from used oil storage,

processing, and rerefining that are not usable as used oil fuel and are not able to be processed into used oil fuel; and virgin oil that is unintentionally disposed. Other terms related to used oil are defined in part 7045.0790.

Subp. 100b. **Used oil filter.** "Used oil filter" means a device attached to a vehicle, machine, or piece of equipment used for removing contaminants from lubricating oil that as a result of being used has become contaminated with oil and other contaminants.

Subp. 100c. **Used oil fuel.** "Used oil fuel" means used oil that is burned for energy recovery, and includes fuel produced from used oil by processing, blending, or other treatment, except for those blended fuels described as hazardous waste in part 7045.0800.

Subp. 100d. **Vault system.** "Vault system" means an underground, concrete or equivalent, impermeable secondary containment structure consisting of four walls, a floor, and roof used to encapsulate one or more tanks.

Subp. 101. **Vessel.** "Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water.

Subp. 102. **Waste.** "Waste" has the meaning given in Minnesota Statutes, section 116.06, subdivision 23.

Subp. 102a. **Waste household battery.** "Waste household battery" means a household battery which is discarded before use.

Subp. 102b. [Repealed, 20 SR 715]

Subp. 102c. **Wastewater.** "Wastewater" means waste that contains less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS), with the following exceptions:

A. F001, F002, F003, F004, or F005 wastewaters are solvent-water mixtures that contain less than one percent by weight total organic carbon or less than one percent by weight total F001, F002, F003, F004, or F005 solvent constituents listed in part 7045.1355;

B. K011, K013, or K014 wastewaters that contain less than five percent by weight total organic carbon and less than one percent by weight total suspended solids as generated; or

C. K0103 or K0104 wastewaters that contain less than four percent by weight total organic carbon and less than one percent by weight total suspended solids.

Subp. 103. **Wastewater treatment unit.** "Wastewater treatment unit" means a device which:

A. is part of a wastewater treatment facility which is subject to regulation under the Federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, sections 1317(b) and 1342, as amended;

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0102 to 7045.0143; or generates and accumulates a

wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0102 to 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0102 to 7045.0143; and

C. meets the definition of "tank" as defined in subpart 90, or "tank system" as defined in subpart 90a.

Subp. 104. **Water bulk shipment.** "Water bulk shipment" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

Subp. 105. **Waters of the state.** "Waters of the state" has the meaning given in Minnesota Statutes, section 115.01, subdivision 22.

Subp. 106. **Water table.** "Water table" means the surface of the ground water at which the pressure is atmospheric. Generally, this is the top of the saturated zone.

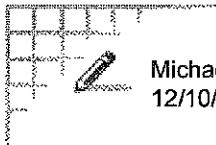
Subp. 107. **Well.** "Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

Subp. 108. **Wetland.** "Wetland" has the meaning given to "wetlands" in part 7050.0130, item F.

Subp. 109. **Zone of engineering control.** "Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up before the release of hazardous waste or hazardous constituents to ground water or surface water.

STAT AUTH: MS s 115.03; 116.07; 116.37

HIST: 9 SR 115; 9 SR 2118; 10 SR 1688; 11 SR 1832; 11 SR 2415; L 1987 c 186 s 15; 12 SR 1660; 13 SR 259; 13 SR 1238; 13 SR 2761; 14 SR 1718; 14 SR 2248; 15 SR 801; 15 SR 1515; 15 SR 1877; 16 SR 197; 16 SR 2102; 16 SR 2239; 17 SR 1279; 18 SR 1565; 18 SR 1751; 18 SR 1886; 18 SR 2195; 20 SR 714; 20 SR 715; 22 SR 5
Current as of 01/28/00



Michael Mikulka
12/10/99 10:52 AM

To: greg.berger@pca.state.mn.us
cc:

Subject: Re: Interplastic Corp. / Draft Inspection Report

Thanks for the quick review Greg. The next step is to develop an NOV and information request in anticipation of proceeding with a penalty case for violations detected. I will forward that to you and request that MPCA and Hennepin County be copied on any response from Interplastic.

Mike

greg.berger@pca.state.mn.us on 12/08/99 03:19:11 PM



greg.berger@pca.state.mn.us on 12/08/99 03:19:11 PM

To: Michael Mikulka/R5/USEPA/US@EPA
cc:

Subject: Interplastic Corp. / Draft Inspection Report

Mike,

I reviewed the draft Interplastic Corporation inspection report you faxed to me. All the Minnesota rule cites you used are correct. I have no other comments on the report, except that it was very well written. Nice job. Please keep me in the loop with the EPA's future enforcement response to the company. Thanks

Greg
651-296-8374



DARWIN.SCHULZ@co.hennepin.mn.us on 12/08/99 08:12:00 AM

To: Michael Mikulka/R5/USEPA/US@EPA
cc:

Subject: Interplastic Inspection

I reviewed the draft letter this morning and found everything to be accurate.

I did find a few spelling errors: page 2 phthalic is spelled wrong

page 4 polyester spelled wrong

page 8 pressure spelled wrong

I am looking forward to receiving the final letter. Thanks again for coming up here to Minnesota and showing me how Subpart CC applies to this company.



ORC ATTORNEY ASSIGNMENT FORM (November 1997 version)

CASE/MATTER NAME: Interplastic Corp.

PROGRAM ASSIGNEE: Mike Mikulka

Phone: 6-6760

FACILITY NAME: Minneapolis Plant

ADDRESS: 2015 NE Broadway Street

CITY: Minneapolis

STATE: MN

COUNTY: Hennepin

ZIP CODE: 55413

SIC CODE: 2821

PROPOSED RESPONDENTS: Interplastic Corporation

RCRA NOV/information request prior to issuing administrative complaint

LAW/SECTION (Statute and Section which **authorize** action, e.g. CAA/113(d), CERCLA/106): RCRA 3007/3008LAW/SECTION (Statute and Section **violated**, or that provides requirement to be enforced, e.g. RCRA/3004, CAA/112): RCRA

POLLUTANTS: Solvent wastes containing VOCs, including styrene

Is the matter in geographic initiative area? Yes Which one? Upper Mississippi

Is the matter multi-media? no

Comments: The facility has violated Minnesota rules regarding waste management of satellite containers, Minnesota rules regarding LQs, and federal air emission standards for containers.

PROGRAM PERSON TO WHOM FORM RETURNED WHEN COMPLETED: Mike Mikulka

ORC ATTORNEY ASSIGNMENT

(Completed by ORC Section Chief)

DATE RECEIVED: 12/13/99

BRANCH:

SECTION:

ATTORNEY NAME: Cheryl Klebenow

PHONE:

DATE ASSIGNED: 12/21/99

ORC Manager: Forward completed form to Cheryl Klebenow, C-29A, 886-6771

TO BE COMPLETED BY ORC DOCKET ANALYST

RMTS MATTER NUMBER:

Sent to ORC 12/13/99

For more information on:

- Hazardous waste management and storage requirements — MPCA Hazardous Waste Division, Business Assistance Unit 297-8363, or (800) 657-3724.
- Obtaining approval to treat liquid and semi-solid resin and gelcoat wastes.— MPCA Hazardous Waste Division, Permit and Review Unit 297-8380.
- Resin and gelcoat waste treatment questions.— MNTAP 627-4646, or (800)247-0015.
- Industrial solid waste facilities that are approved to accept cured resin and gelcoat wastes.— MPCA Solid Waste Division 296-8621.



Plastic Corporation
2015 N.E. Broadway Street
Minneapolis, Minnesota 55413-1775
(651) 481-6860
(612) 331-4235 (Fax)

November 10, 1998

Mailed: November 10, 1998.

Dan R. Card, P.E.
Senior Remediation Engineer
RCRA/Superfund Unit
Site Remediation Section
Metro District
Minnesota Pollution Control Agency
520 Lafayette Rd. N.
St. Paul, MN 55155-4194
(651) 297-8379

RECEIVED

NOV 16 1998

MPCA, Metro District
Regular Facilities

RE: Letter from Dan R. Card dated October 13, 1998
2015-NE Broadway St., Minneapolis, MN 55413
Treatment Activity Involving Curing of Waste Resin

Dear Mr. Card,

We have reviewed your October 13, 1998 letter requesting more information regarding the treatment of waste resin at the above referenced facility. Enclosed is an updated treatment which includes the information you requested.

Sincerely,

A handwritten signature in cursive script that reads "Sheri L. Peterson".

Sheri L. Peterson
Site Manager - Health, Safety, Environment and Quality
(651) 481-6860, ext. 313.
98SP171

Copy: Gary Severson, Plant Manager, Minneapolis Plant
Bob Hoffman, Corporate Environmental Officer
Darwin Schulz, Hennepin County

MPCA, Metro District
Site Remediation

NOV 13 1998

RECEIVED

1.0 PURPOSE

- 1.1 This work instruction is to describe the process used by the plant to convert semi-gelled waste resin to gelled non-hazardous material (i.e. the curing of waste resin).

2.0 SCOPE

- 2.1 This work instruction describes the plant's procedure for treatment (curing) of waste resin generated from production processes (i.e. used filter bags) and from obsolete or unusable product.

3.0 REASON FOR CHANGE(S) (For this revision only)

- 3.1 Initial Issue.

4.0 DEFINITIONS OF TERMS

4.1 Hotbox:

A carbon steel box which holds up to four pallets of open 55 gallon drums or 5 gal pails of waste resin [treated with catalyst] which is heated to temperatures greater than 200 °F for 10-14 (typical) days to complete the curing process (polymerization of polyester). The hotbox is located directly behind the facility buildings near the loadout platform on Interplastic property along the west side of the fenced yard. The hotbox is blanketed with nitrogen, equipped with a sprinkler system, contains a catch basin, is vented to a thermal oxidizer (for destruction of fumes), and is housed on a concrete pad.

5.0 GENERAL REQUIREMENTS

5.1 Shift Supervisor

- 5.1.1 The shift supervisor is responsible for hotbox treatment activities, including hazardous waste labeling, preparation of catalyst for polymerization, transfer of containers in/out of the hotbox, inspection of treated material, and transfer of cured material to the co-disposal dumpster.

5.1.1.1 Quality Control technicians or production workers may assist in the treatment activity under the supervision of the Shift Supervisor.

5.0 GENERAL REQUIREMENTS (continued)

5.1.1.2 Material which is treated in the hotbox and is not acceptable for landfill is placed in the designated hazardous waste area.

5.1.2 The shift supervisor is responsible for supervising employees with treatment activities, including their use of proper personal protective equipment as required by the annual corporate Safety Program.

5.1.3 The shift supervisor is responsible for providing supervision of emergency situations including spill clean-up, equipment malfunctions, and company notifications as required by the plant's Hazardous Material Contingency Plan, Spill Plan, and Emergency Procedures Plan.

5.2 Maintenance

5.3.1 The Maintenance Department is responsible for maintaining parts and having trained personnel equipped to maintain and service the hotbox in order to minimize downtime during production operations.

5.3.2 The Maintenance Department is responsible for maintaining equipment maintenance records for maintenance and repair activities associated with the hotbox.

5.3 Plant Management

5.3.1 Plant management is responsible for completing both non-hazardous and hazardous waste manifests. Included on each waste manifest is the drum count, date of removal, quantity, and name/address of the disposal facility.

5.3.2 Plant management is responsible for providing annual safety training as required by the current year corporate Safety Program which includes Hazard Communication, Hazardous Waste, and Personal Protective Equipment training, maintenance of training records, and non-hazardous waste manifests.

5.3.3 Plant management arranges analytical testing required for acceptance of the cured material at the disposal facility. The Pine Bend Landfill in Dakota County requires a biannual TCLP leach test.

5.3.4 Plant management is required to arrange disposal of all waste resin. Waste resin which cannot be processed through the hotbox activity, due to capacity issues or curing issues, is treated as hazardous waste and removed from the facility within 90 days of accumulation.

5.0 GENERAL REQUIREMENTS (continued)

- 5.3.5 Plant management is responsible to make a visual inspection of the hotbox area during the monthly safety inspection. Any corrective action requirements are noted in the inspection report.

6.0 FORMS

- 6.1 Non-hazardous waste manifest.
- 6.2 Hazardous waste manifest.
- 6.3 Hazardous waste area inspection sheet.
- 6.4 Current year corporate Safety Program.
- 6.5 Hazardous Material Contingency Plan, Spill Plan and Emergency Procedures Plan.

7.0 INSTRUCTIONS

7.1 Accumulation

- 7.1.1 Waste resin is accumulated at a satellite location, typically into a 55 gal open head drum as generated from our manufacturing process. Each drum is labeled "hazardous waste" and includes a description of the waste such as "waste resin" or "semi-gelled resin".

7.2 Curing

- 7.2.1 Waste resin is moved to a designated hazardous waste storage location where the shift supervisor, or their designate, mixes the catalyst (at least one percent by weight) with promoted resin. The containers are covered until moved into the hotbox.
- 7.2.2 Containers are placed into the hotbox on pallets, typically four drums to a pallet, bungs on drum covers are opened (to allow venting), and the pallets are rotated into the hotbox on regular basis.
- 7.2.3 Containers are removed from the hotbox on a rotating basis, typically within 10-14 days in the hotbox is required.

7.0 INSTRUCTIONS (continued)

7.3 Inspection

- 7.3.1 The shift supervisor assigns production personnel to inspect each drum removed from the hotbox. Each container is visually examined and punched with holes. This is done to confirm the resin has polymerized.

How many? where? with depth?

- 7.3.2 Materials are visually evaluated to determine whether resin has polymerized. Resin which has polymerized passes inspection (absence of free liquid and chemical odor). Resin which has not polymerized fails inspection (presence of free liquid or chemical odor).

7.4 Disposal

- 7.4.1 Materials which have passed the visual inspection are placed in the co-disposal dumpster for removal to the designated disposal facility.
- 7.4.2 Materials which have failed the visual inspection are placed back into the hotbox for an additional rotation or are placed in the designated hazardous waste area for hazardous waste removal.
- 7.4.3 All waste removed from the hotbox and marked for hazardous waste disposal is inspected on a weekly basis for confirmation that material has been disposed of within 90 days from the accumulation start date.

7.5 Records

- 7.5.1 Non-hazardous waste manifests for each shipment of waste, including the drum count and name/address of the disposal facility.
- 7.5.2 Hazardous waste manifests for each shipment of hazardous waste.
- 7.5.3 TCLP testing reports for cured waste resin (once every two years).
- 7.5.4 Monthly housekeeping inspection noting the appearance of the hotbox and surrounding area.
- 7.5.5 Weekly hazardous waste inspection of the satellite storage area and designated hazardous waste storage area, including corrective actions when appropriate.
- 7.5.6 Employee safety training records, including hazardous waste (RCRA) training records.
- 7.5.7 Hotbox equipment maintenance and repair records.

8.0 APPROVALS

- 8.1 Approvals are required from the Site Manager - HSEQ, Plant Manager and Maintenance Supervisor. The Quality Assurance Department maintains a log which is updated as the organization changes and is filed with a master copy.

Author:

Alex Peterson 9-18-98
Name/Date

Reviewer(s):

Gary Stevenson 11/06/98
Name/Date

Name/Date

Name/Date

Approver(s):

Alex Peterson 11-06-98
Name/Date

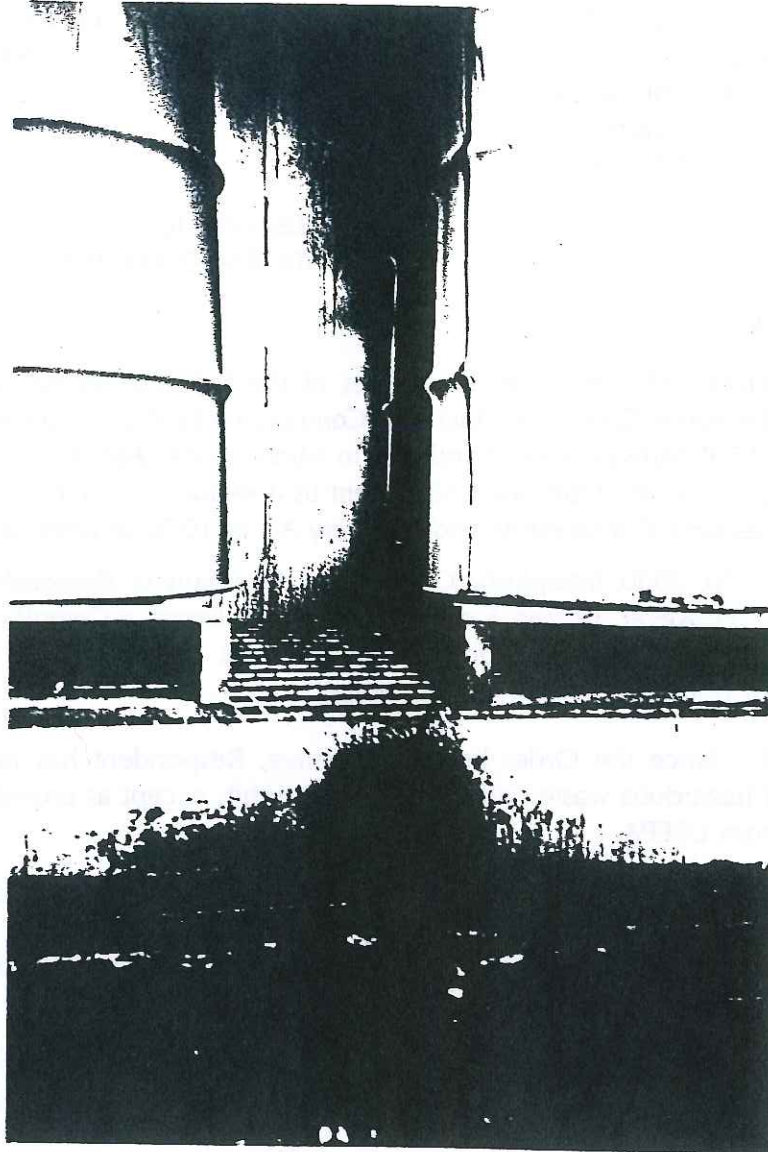
Gary Stevenson 11/06/98
Name/Date

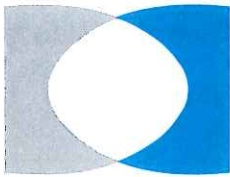
Richard S. Hall 11-06-98
Name/Date



Interplastic Corporation
2015 N.E. Broadway Street
Minneapolis, Minnesota 55413-1775
(651) 481-6860
(612) 331-4235 (Fax)

Hot Box Catch Basin





Robert C. Hoffman
Vice President Regulatory Affairs and Quality
Chief Environmental Officer

INTERPLASTIC CORPORATION

1225 Willow Lake Boulevard
Saint Paul, Minnesota 55110-5145
(651) 481-6863 Fax (651) 481-9836

RECEIVED

AUG 25 2000

Enforcement & Compliance Assurance Branch
Waste, Pesticides & Toxics Division
U.S. EPA — REGION 5

August 22, 2000

Michael Mikulka, Chief
Enforcement & Compliance Assurance Branch
Waste, Pesticides & Toxics Division (DE-9J)
Environmental Protection Agency — Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Via Fax and Mail
(1-312-353-4342)

RE: Response to Compliance Order
(RCRA-5-2000-009)

Dear Mr. Mikulka:

On November 16, 1999, representatives of the U.S. Environmental Protection Agency (**USEPA**) and Hennepin County conducted a Compliance Evaluation Inspection (**Inspection**) of our plant at 2015 Broadway Street Northeast in Minneapolis (**Facility**). As a follow-up to that Inspection, on January 28, 2000, the USEPA sent us a Request For Information (**RFI**) pursuant to § 3007 of the Resource Conservation and Recovery Act of 1976, as amended (**RCRA**).

On March 10, 2000, Interplastic Corporation (**Company** or **Respondent**) replied to USEPA (**RFI Response**). However, Region 5 of USEPA recently issued a Compliance Order (**Order**) to Interplastic Corporation in connection with those events. In accordance with that Order, the Company hereby notifies USEPA of the following:

1. **COMPLIANCE.** Since the Order became effective, Respondent has not treated, stored, or disposed of hazardous waste without a RCRA permit, except as provided in paragraph 2 of the Order from USEPA.
2. **MINNESOTA RULES.** Respondent has achieved and maintained compliance with all requirements and prohibitions governing the storage of hazardous waste applicable to generators, codified at or incorporated by Minnesota Rules 7045.0205 through 7045.0320, including the following:
 - a. **Satellite Accumulation.** Since the Order became effective, Respondent has complied with the requirements for satellite accumulation of hazardous waste found at Minnesota Rules 7045.0292, subpart 8, and Minnesota Rules 7045.0626, subpart 4, including closed containers and labeling of containers with the words "hazardous waste," and a description that clearly identifies the contents to employees and emergency personnel.

- b. **Large Quantity Generators.** Since the Order became effective, Respondent has complied with the requirements for large quantity generators found at Minnesota Rules 7045.0292, subpart 8, and Minnesota Rules 7045.0626, subpart 4, including closed containers and labeling of containers with the words "hazardous waste," and a description that clearly identifies the contents to employees and emergency personnel.

- c. **Closure Plan.** Respondent does not intend to close the Facility that is located at 2015 Broadway Street Northeast in Minneapolis, Minnesota. To the contrary, the Company intends to continue its business operations at that Facility.

Respondent also intends to continue its use of the hot box at the site. However, in the future, the Company does not intend to store drums of hazardous waste outside this Facility in front of the hot box.

In the past, when Respondent did store drums of hazardous waste outside our Facility in front of the hot box, those drums were on a concrete pad. Subsequent to the Inspection, Respondent obtained a letter from an independent environmental consulting firm confirming that the concrete is impervious to the materials stored. A copy of that letter was sent to USEPA on May 24, 2000.

The Facility itself is a "Superfund site" governed by the Minnesota Environmental Response and Liability Act (**MERLA**). As a result, there is voluminous data available with respect to this Facility, including test and containment data. Furthermore, the Company continues to collect data and furnish it to the Minnesota Pollution Control Agency (**MPCA**).

Pursuant to MERLA, the MPCA previously approved a Response Action Plan for this Facility. MPCA obviously has a copy, and we assume that USEPA has obtained one as well. If that is not the case, let us know, and the Company will promptly send USEPA a copy of the Response Action Plan.

Respondent does not believe that Minnesota Rules Part 7045.0594 requires any "closure plan" in these circumstances. To the extent that is inaccurate, the Company believes that the aforementioned materials comport with the letter and intent of the Minnesota Rules.

- d. **Expansion Joints.** Not applicable. In the future, Respondent does not intend to store drums of hazardous waste outside this Facility in front of the hot box.
- e. **Curbing.** Not applicable. In the future, Respondent does not intend to store drums of hazardous waste outside this Facility in front of the hot box.
- f. **Roofing.** Not applicable. In the future, Respondent does not intend to store drums of hazardous waste outside this Facility in front of the hot box.

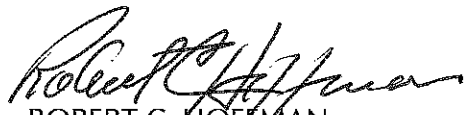
- 3. **FEDERAL RULES.** Within 30 days of the effective date of the Order from USEPA, Respondent achieved and maintained compliance with all requirements and prohibitions governing the storage of hazardous waste applicable to generators, codified at or incorporated by reference at 40 C.F.R. Part 262, including, but not limited to, the following:

- a. **Emission Controls.** The Company has air emission controls in the hot box at this Facility which meet the requirements for Container Level 3 specified at 40 C.F.R. § 265.1087(e).
- b. **Enclosure Verification.** Within 60 days of the effective date of the Order, Respondent will conduct an enclosure verification for the hot consistent with the requirements specified at 40 C.F.R. § 265.1087(e)(2)(I). In fact, the Company has already begun that verification, and all test results thus far are within the limits delineated in 40 C.F.R. § 265.1087(e).
- c. **Inspection Plan.** The Company has already developed and implemented a written inspection plan and schedule pursuant to the requirements specified at 40 C.F.R. § 265.1089(b).
- d. **Closed Vent System.** Respondent has conducted an inspection and monitoring of the closed vent system in accordance with the requirements of 40 C.F.R. § 265.1088(b)(4).
- e. **Required Records.** The Company has maintained the records required by 40 C.F.R. § 265.1090(d).

Interplastic Corporation also incorporates herein by reference our RFI Response. This letter, together with all of the submissions referenced herein, constitutes the Company's response to the Compliance Order from USEPA that is required by paragraph 4 of that Order.

Pursuant to paragraph 5 of the Order, a copy of this submission is also being sent to the Minnesota Pollution Control Agency and Hennepin County Department of Environmental Services. Feel free to call me if you have any questions or if additional information is needed.

Sincerely yours,


ROBERT C. HOFFMAN,
Vice President – Regulatory Affairs
Interplastic Corporation

RCH/kjp

cc: Greg Berger, Hazardous Waste Compliance
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155
[FAX: 651-296-8717]

Michael Risse, Environmental Scientist
Hennepin County Department of Environmental Services
417 North Firth Street
Minneapolis, MN 55401-1397
[FAX: 612-348-8532]



INTERPLASTIC CORPORATION
Thermoset Resins Division
2015 NE Broadway Street
Minneapolis, Minnesota 55413
(651) 483-0222 Fax (612) 331-4235

612-331-6610

November 24, 1999

Michael J. Mikulka, P.E.
Senior Environmental Engineer
US Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604
(312) 886-6760

US Mail: November 24, 1999

RE: 11/16/99 Site Visit at Interplastic Corporation, 2015 NE Broadway St., Mpls, MN 55413

Dear Mr. Mikulka,

At your November 16, 1999 site visit to our facility, you requested the following documentation:

- 1) General overheads summarizing plant operations (our standard intro to the plant overheads)
- 2) The Hirt TO Process Schematic and the current TO P&ID.
- 3) Non-hazardous waste manifests for gelled unsaturated polyester resin from 12-06-96 to present.
- 4) Hirt TO breakdown shutdown records/log for 1999.
- 5) A copy of the current Hirt TO permit.

These materials are enclosed for your review. In addition you also requested the following information:

- 1) Records of when exactly the hotbox was connected to the thermal oxidizer (required 12-06-96)
- 2) Status of "Reactor distillate" waste listed in the 1993 Contingency Plan with waste codes F002, F005, D001, and D002.

To the best of Mr. Hoffman's recollection, the hot box was connected to the thermal oxidizer sometime in the early 1990's, as a means of minimizing odors from this facility. Also please note that there was no hotbox operating from October 1997 through April 1998. This is because the box was replaced, moved to a new location, and was included in our Title V Permit application.

You also requested information regarding a "reactor distillate" waste noted in the 1993 Contingency Plan. Gary Severson and I have reviewed plant manufacturing operations and the 1997, 1998, and 1999 Contingency Plans and there is no reference or information regarding this material.

I believe the information provided completes the request you made for records and information at the November 16, 1999 site visit. Please let Mr. Hoffman, Gary Severson, or myself know if you need additional information or have any questions.

Sincerely,

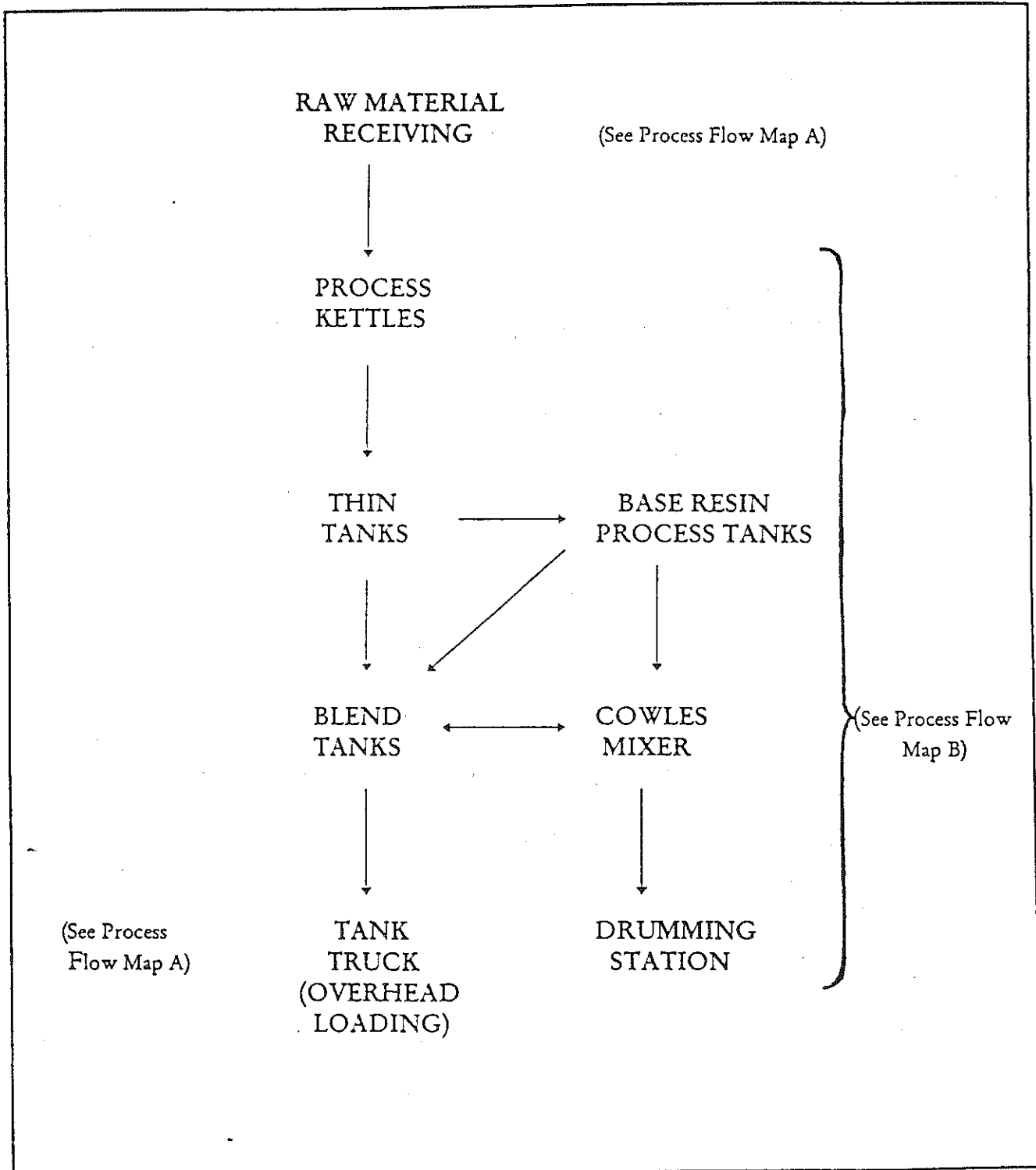
Sheri L. Peterson
Site Manager-Health, Safety, Environment and Quality, Minneapolis Plant
99SP196

Copy: Robert C. Hoffman, Corporate Environmental Officer, Interplastic Corporation
Gary Severson, Plant Manager, Minneapolis Plant

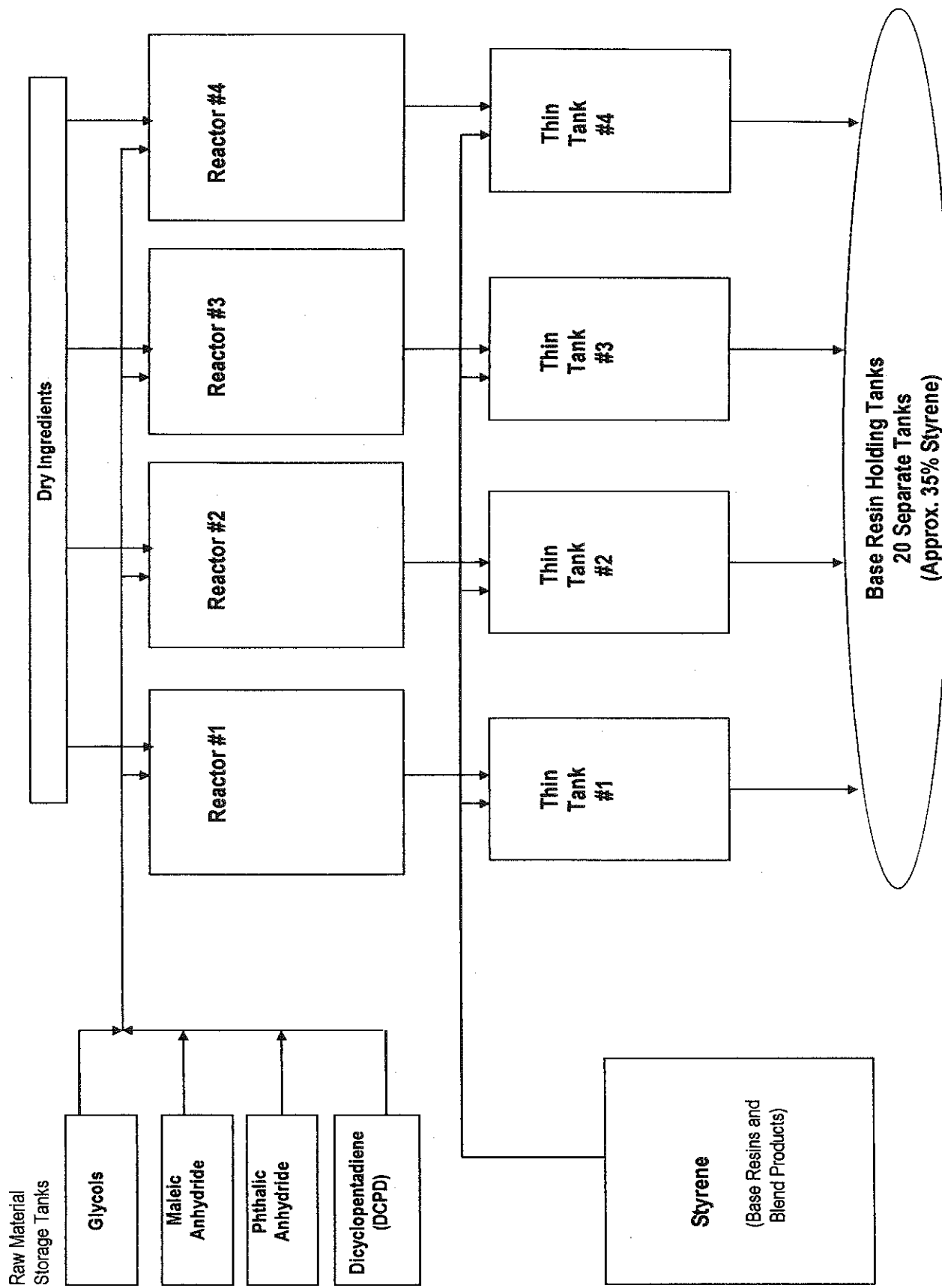
RECEIVED

NOV 30 1999

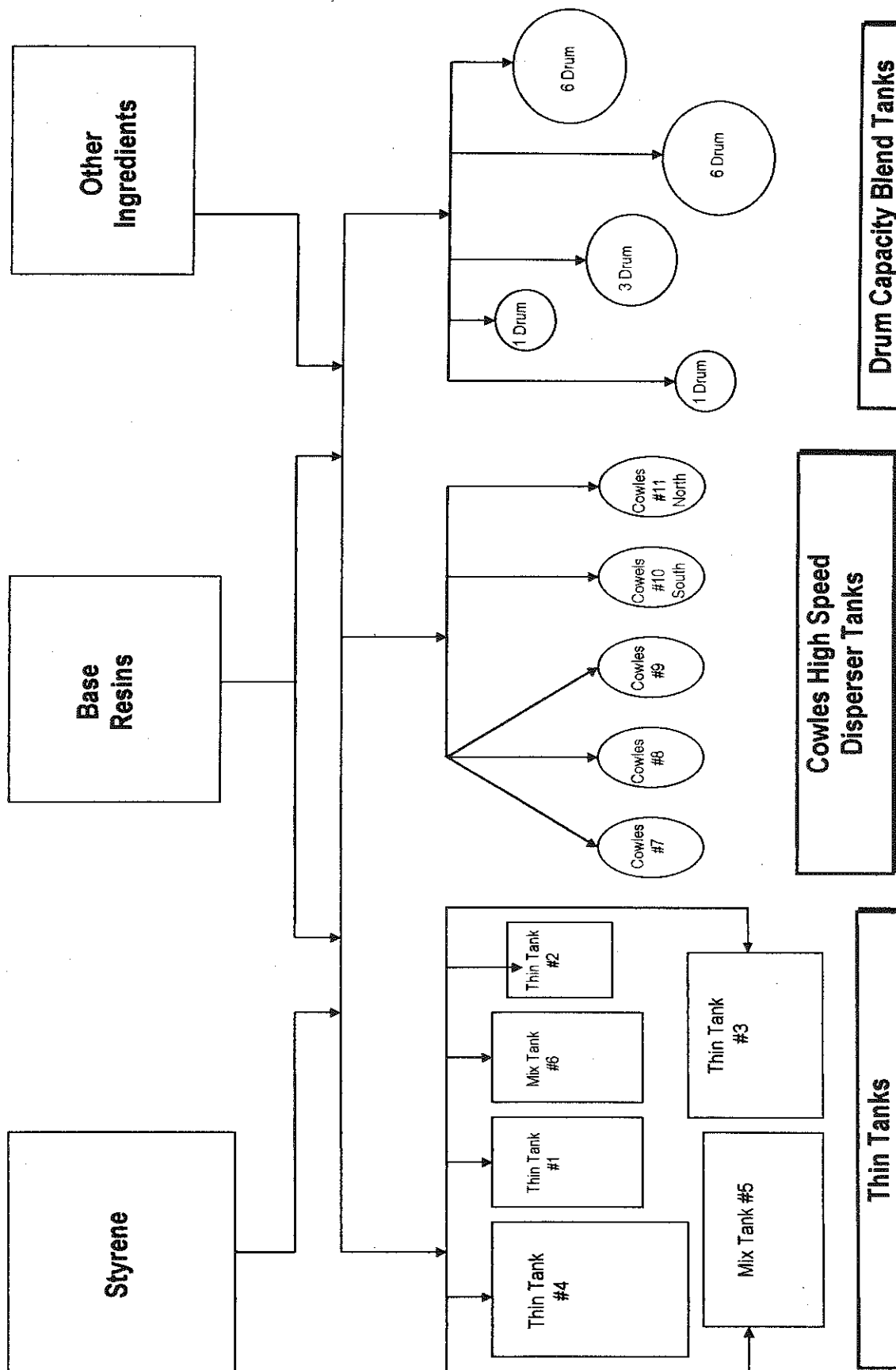
Enforcement & Compliance Assurance Branch
Waste, Pesticides & Toxics Division
U.S. EPA - REGION 5



Base Resin Production (900+ Separate Batches of 40-50 Formulas per Year with Yields from 85-95%)

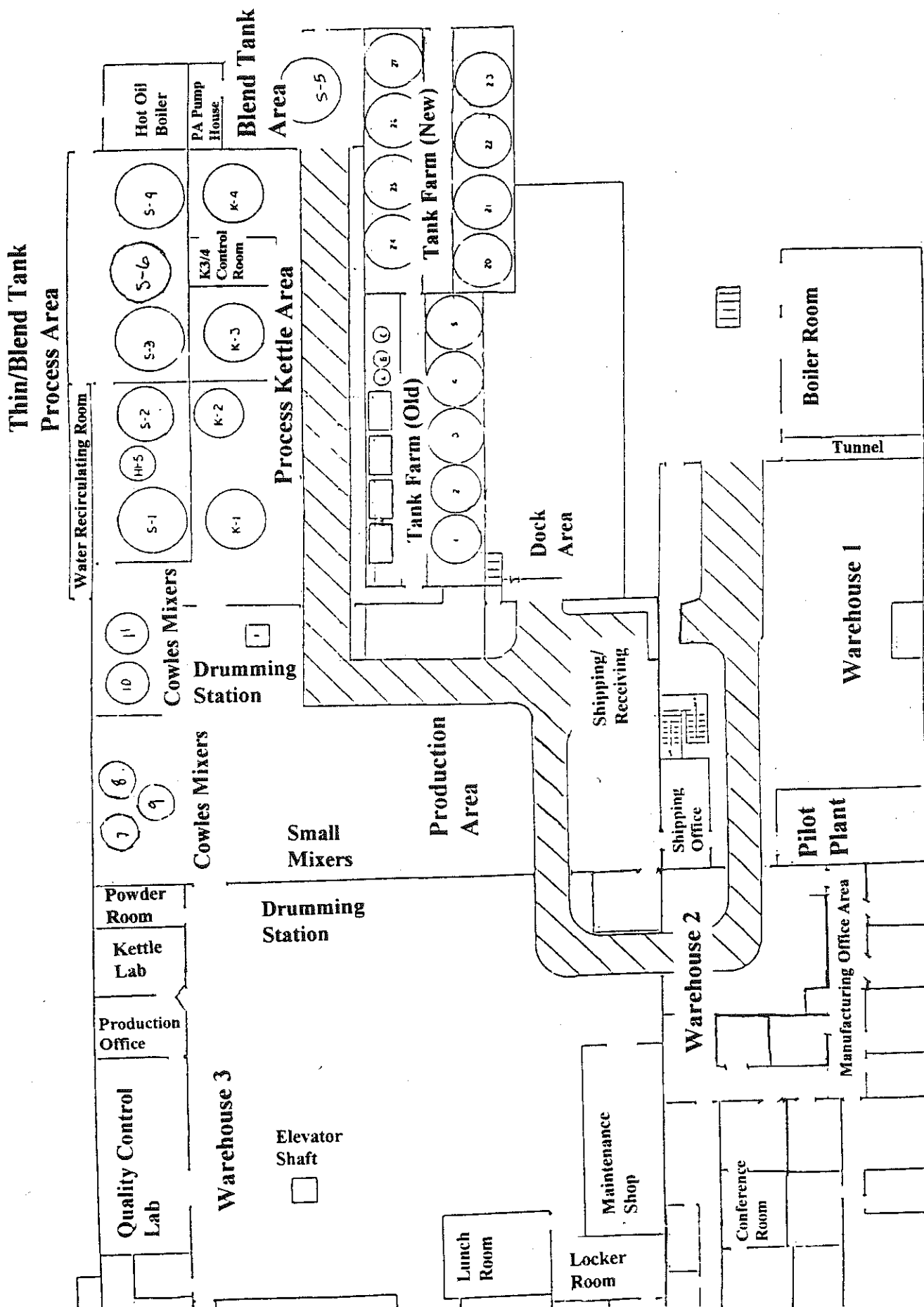


Blend Product Production







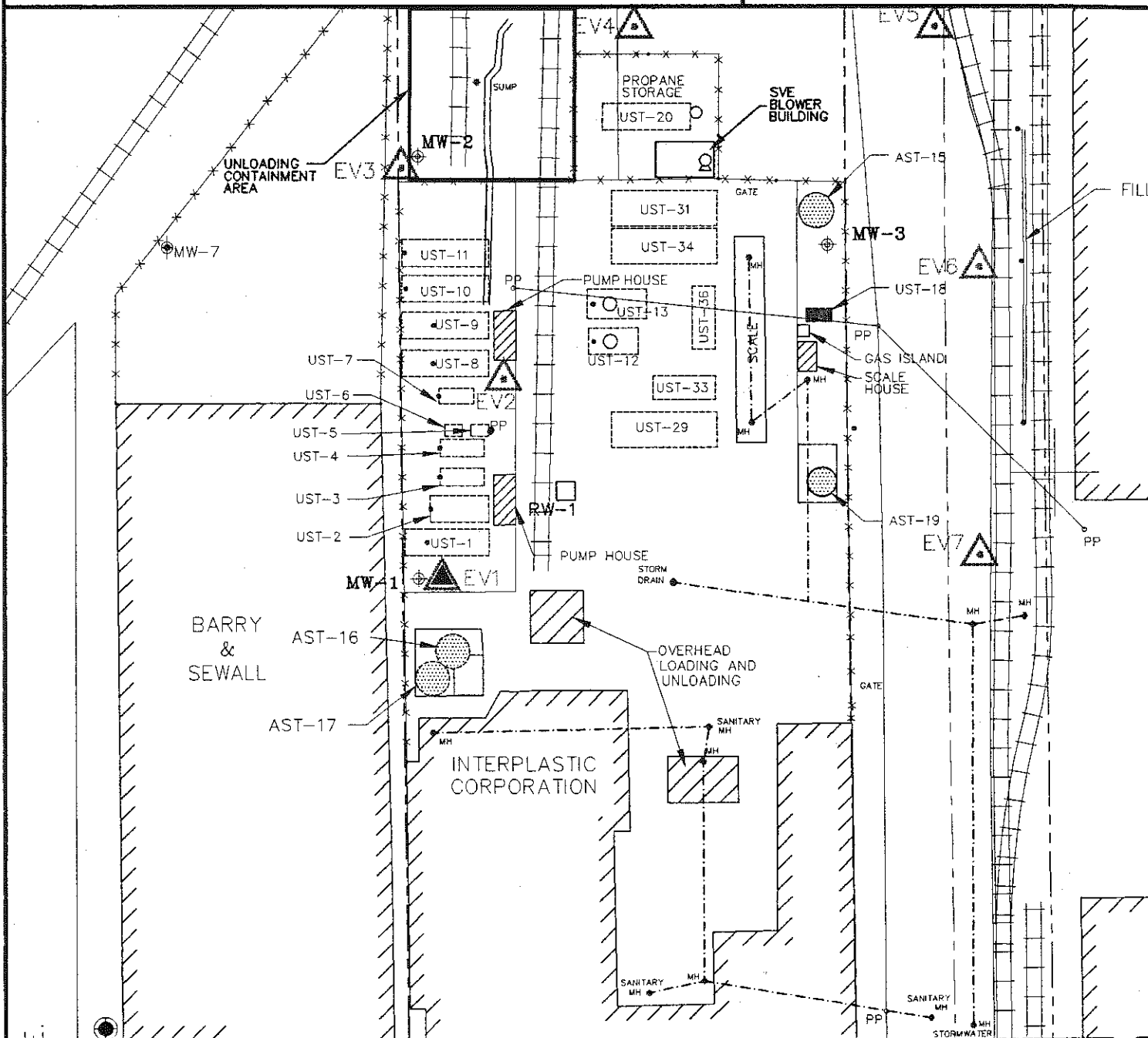
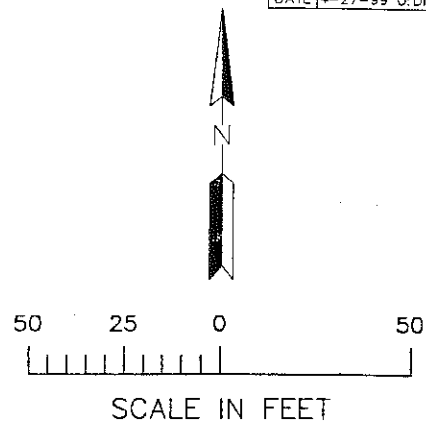
Minneapolis
Plant

PROCESS FLOW AREA
RESIN MANUFACTURING



LEGEND

- MW-2  MONITORING WELL
- (V-2)  EXISTING EXTRACTION VENT TO BE INCORPORATED IN FINAL SYSTEM
- EV1  PROPOSED EXTRACTION VENT LOCATION
- UST-31  UNDERGROUND STORAGE TANKS
- PROPERTY LINE
- x-x-x- FENCE LINE
- - - - - SANITARY/STORMWATER LINES
- PP POWER POLE



INTERPLASTIC CORPORATION

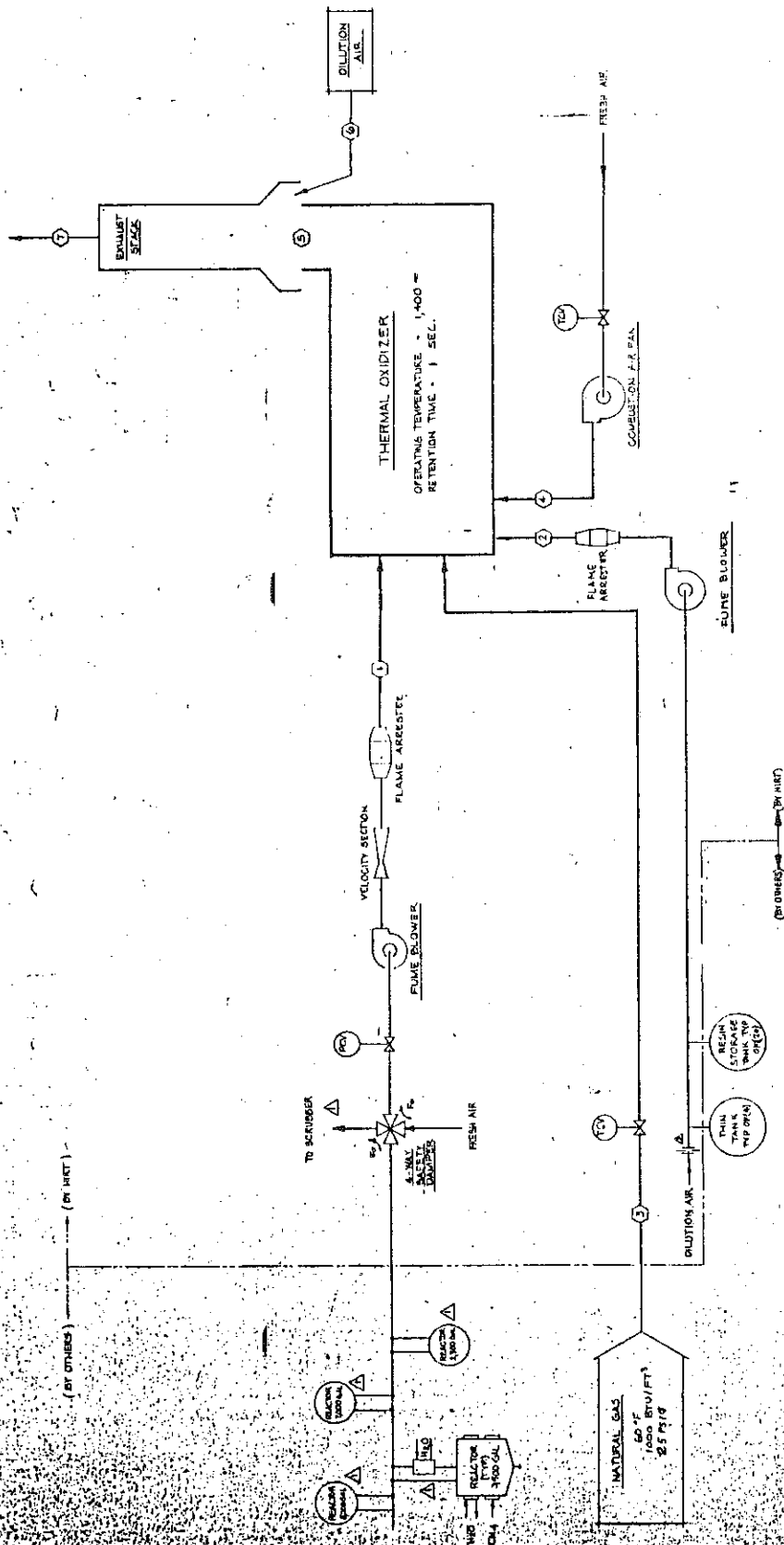
Plan View

APRIL 1999

Sheet 1

NOTES:

1. FUME COMPOSITIONS - ETHYLENE GASOL.
2. INTERESTED PILOT NATURAL GAS USAGE IN THE SCHEMATIC.
3. FUME STREAM COLD, BASED ON WIRE TEST REPORT NO. T-457-76.



| NO. | DESCRIPTION | FUMES | | | | THERMAL OXIDIZER | | | | STACK | | | | REMARKS |
|-----|-----------------------------|-------|-----|--------|----------|------------------|-----|--------|------|-------|----|--------|-----|---------|
| | | SCFM | °F | BTU/HR | Wt | SCFM | °F | BTU/HR | Wt | SCFM | °F | BTU/HR | Wt | |
| 1 | START-UP W/INHAIR FRESH AIR | - | - | - | - | 1,600 | 4.0 | 1,600 | 0.1 | 96 | 70 | 2,640 | 400 | |
| 2 | START-UP W/INHAIR FRESH AIR | 102 | 200 | 1.0 | 0.04410* | 1,600 | 4.0 | 3,230 | 1.00 | 1,340 | 70 | 3,160 | 900 | |
| 3 | START-UP W/INHAIR FRESH AIR | 750 | 200 | 2.5 | 0.04410* | 1,600 | 4.0 | 17,640 | 1.00 | 1,420 | 70 | 24,930 | 900 | |
| 4 | START-UP W/INHAIR FRESH AIR | 1,040 | 200 | 5.0 | 0.04410* | 1,600 | 4.0 | 2,718 | 1.00 | 1,420 | 70 | 4,550 | 400 | |
| 5 | START-UP W/INHAIR FRESH AIR | 1,340 | 200 | 8.0 | 0.04410* | 1,600 | 4.0 | 3,440 | 1.00 | 1,420 | 70 | 5,590 | 400 | |
| 6 | START-UP W/INHAIR FRESH AIR | 1,440 | 200 | 9.0 | 0.04410* | 1,600 | 4.0 | 3,040 | 1.00 | 1,420 | 70 | 4,460 | 400 | |
| 7 | START-UP W/INHAIR FRESH AIR | 2,000 | 200 | 16.0 | 0.04410* | 1,600 | 4.0 | 7,390 | 1.00 | 1,420 | 70 | 27,870 | 900 | |

HINT COMBUSTION

INTERPLASTIC CORP.

MINNEAPOLIS, MINN.

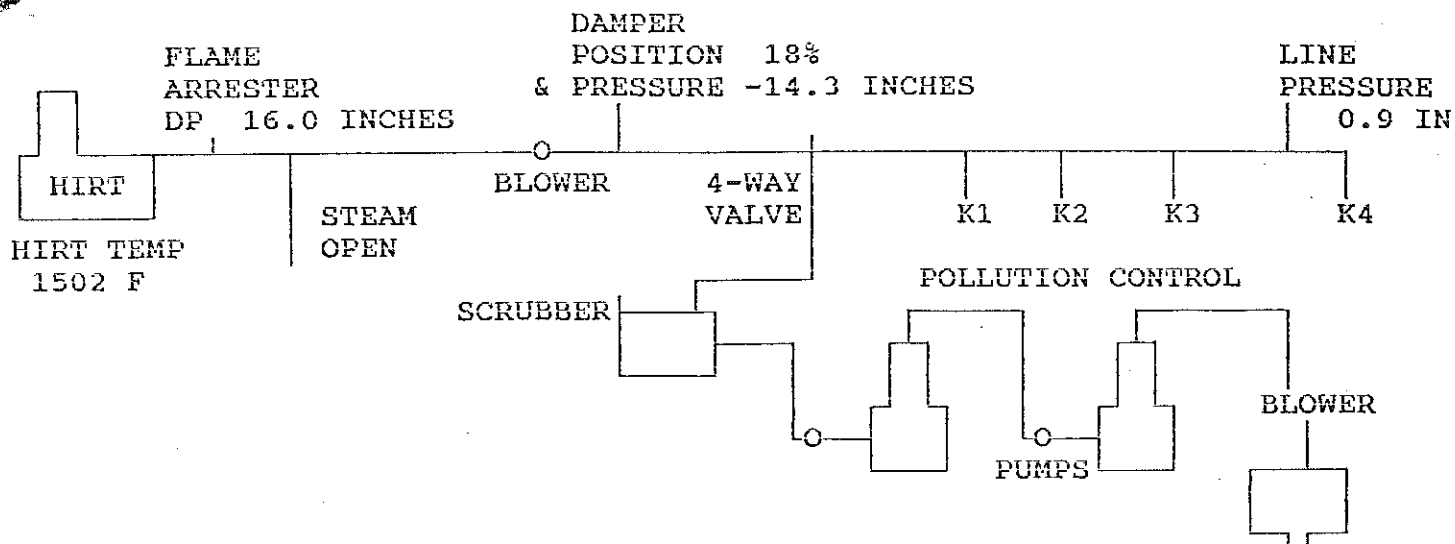
PROCESS SCHEMATIC

DATE: 12-23-80

REVISION: 1

BY: [Signature]

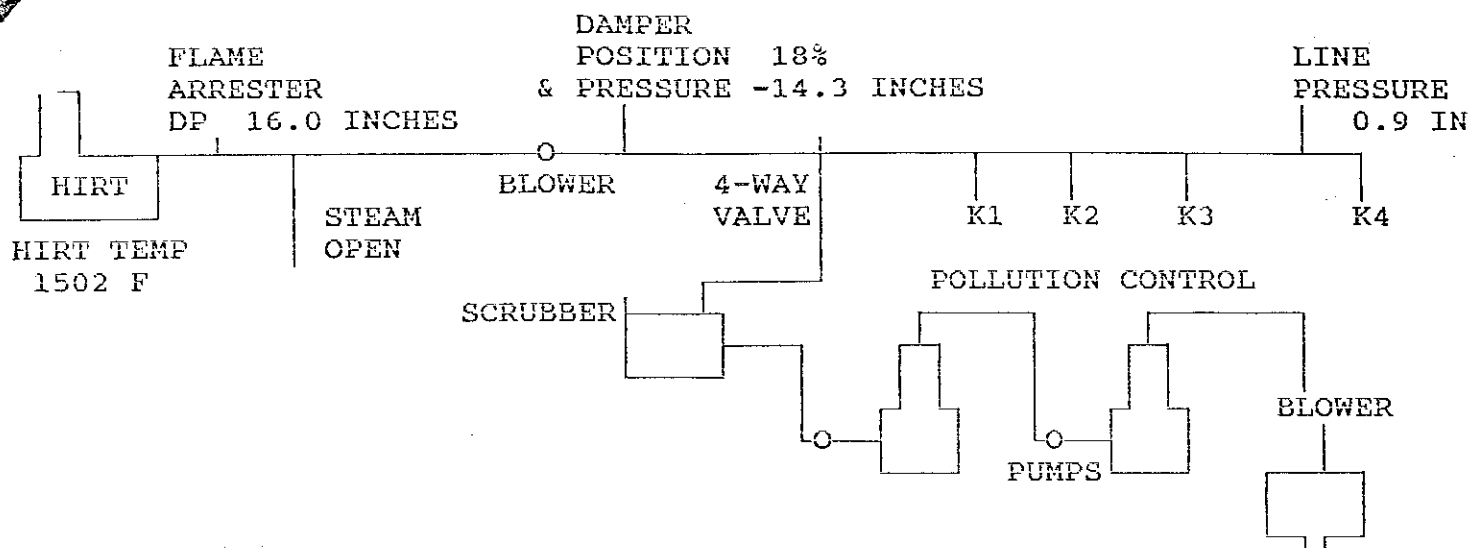
FOR: [Signature]



| INSTRUMENT | POINT NAME | RANGE | ALARMS | |
|--------------------------|---------------|-----------------|--------|------|
| | | | LOW | HIGH |
| FLAME ARRESTER PRESSURE | TL10 | 0 to 100 inches | n/a | 5.0 |
| DAMPER ACTUATOR POSITION | TL20 | 0 to 100 % | n/a | n/a |
| DAMPER PRESSURE | TL30 | -15 to +15 in. | -5.0 | 1.5 |
| LINE VACUUM/PRESSURE | TL40 | -15 to +15 in. | -5.0 | 2.5 |
| BLOWER VIBRATION | TL100 | 0 to 100 mils | n/a | n/a |

PROGRAM CONTROLS:

If pressure at the flame arrester exceeds 5 psi, steam is turned on there.
 If blower vibration exceeds 8 mils, steam is turned on at the blower.
 If the 4-way valve switches position, the scrubber/PC system is turned on.



| INSTRUMENT | POINT NAME | RANGE | ALARMS | |
|--------------------------|---------------|-----------------|--------|------|
| | | | LOW | HIGH |
| FLAME ARRESTER PRESSURE | TL10 | 0 to 100 inches | n/a | 5.0 |
| DAMPER ACTUATOR POSITION | TL20 | 0 to 100 % | n/a | n/a |
| DAMPER PRESSURE | TL30 | -15 to +15 in. | -5.0 | 1.5 |
| LINE VACUUM/PRESSURE | TL40 | -15 to +15 in. | -5.0 | 2.5 |
| BLOWER VIBRATION | TL100 | 0 to 100 mils | n/a | n/a |

PROGRAM CONTROLS:

If pressure at the flame arrester exceeds 5 psi, steam is turned on there.
 If blower vibration exceeds 8 mils, steam is turned on at the blower.
 If the 4-way valve switches position, the scrubber/PC system is turned on.



A 78621 9.10 tu@ 62.90
NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 694045

Section I. GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplogstke Corp. b. Generating Location: _____

c. Address: 2015 Broadway NE

d. Address: 2015 Broadway NW

Minneapolis mn 55413

Minneapolis mn 55413

e. Phone No.: (612) 481-6860

f. Phone No.: 612 481-6860

If owner of the generating facility differs from the generator, provide:

g. Owner's Name: _____ h. Owner's Phone No.: _____

i. BFI WASTE CODE MN 349 960522

44226

Containers

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

j. Description of Waste: Gelled unsaturated polyester Resin

Quantity 910

Units Y

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, If the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary Severson
Generator/Authorized Agent Name

Gary Severson
Signature

12/29/96
Shipment Date

Section II

TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I

a. Name: _____

b. Address: 9850 Flying Circle Dr

Eden Prairie, mn

c. Driver Name/Title: Gregg Allgaps

PRINT/TITLE

d. Phone No.: 941-5174 e. Truck No.: 417

PRINT/TITLE

f. Vehicle License No./State: MN VAA 3734

Acknowledgement of Receipt of Materials.

Dan Allgaps
Driver Signature

12/17/96
Shipment Date

TRANSPORTER II

h. Name: _____

i. Address: _____

j. Driver Name/Title: _____

PRINT/TITLE

k. Phone No.: _____

l. Truck No.: _____

m. Vehicle License No./State: _____

Acknowledgement of Receipt of Materials.

[Signature]
Driver Signature

[Signature]
Shipment Date

Section III

DESTINATION (Generator completes a-d; destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.

c. Phone No.: 612-457-2778

b. Physical Address: 2495 E. 117TH ST.

d. Mailing Address: SAME

INVER GROVE HEIGHTS, MN. 55077

e. Discrepancy Indication Space: _____

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

BB
Name of Authorized Agent

BB
Signature

12/17/96
Receipt Date

Section IV

ASBESTOS (Generator complete a-d, f, g; Operator * completes e.)

a. Operator's * Name: _____

b. Operator's * Phone No.: _____

c. Operator's * Address: _____

d. Special Handling Instructions and additional information: _____

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's * Name & Title: _____

Print/Type

f. Name and Address
of Responsible Agency: _____

Operator's * Signature

Date

g. ☐ Friable; ☐ Non-friable; ☐ Both _____ % friable _____ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122891

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation
b. Generating Location: Same
c. Address: 2015 NE Broadway
Minneapolis, MN 55413
d. Address:
e. Phone No.: 481-6863
f. Phone No.:
If owner of the generating facility differs from the generator, provide:
g. Owner's Name:
h. Owner's Phone No.:

1. BFI WASTE CODE

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| M | N | 3 | 4 | 9 | 9 | 7 | 0 | 5 | 2 | 2 |
|---|---|---|---|---|---|---|---|---|---|---|

Containers

1. Description of Waste: Gelled Unsaturated Polyester Resin

| | | | | |
|---|---|---|---|---|
| 4 | 4 | 2 | 2 | 6 |
|---|---|---|---|---|

Quantity 8.5 Units No. 107 TYPE DM

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

Section II

TRANSPORTER (Generator completes a-d; Transporter I completes e-g; Transporter II completes h-i)

a. Name: BFI
b. Address: 9813 Pyras Ct Dr

TRANSPORTER II

h. Name: S76
i. Address: 925

c. Driver Name/Title: Kestth Kotlar
d. Phone No.: 941-8374
e. Truck No.: 466

j. Driver Name/Title:
k. Phone No.:
l. Truck No.:

1. Vehicle License No./State:
Acknowledgement of Receipt of Materials.

m. Vehicle License No./State:
Acknowledgement of Receipt of Materials.

g. Date Signature: 1/9/97

n. Driver Signature: 1/10/97

Section III DESTINATION (Generator completes a-d; destination site completes e-i)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN. 55077

c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

1. Name of Authorized Agent: Ben B. Smith Signature: Ben B. Smith

Receipt Date: 1/10/97

Section IV

ASBESTOS

(Generator completes a-d, f, g; Operator completes b)

a. Operator's Name: b. Operator's Phone No.:

c. Operator's Address: d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title: f. Name and Address of Responsible Agency: g. Date

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



14-83175 8.17 to 62.90
NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122894

Section I GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same

c. Address: 2015 NE Broadway d. Address:

Minneapolis, MN 55413

e. Phone No.: 481-6863

If owner of the generating facility differs from the generator, provide:

g. Owner's Name: h. Owner's Phone No.:

i. BFI WASTE CODE M N 3 4 9 9 7 0 5 4 2

Containers

j. Description of Waste: Gelled Unsaturated Polyester

Units

No.

Quantity

4 4 2 2 6

TYPE

DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

UNITS

P - POUNDS
Y - YARDS
M³ - CUBIC METERS
O - OTHER

Resin

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Signature of Generator Authorized Agent Name: Gary E. Severson 013197
Signature Date

Section II TRANSPORTER (Generator complete a-c; Transporter I complete e-g; Transporter II complete h-i)

a. Name: BFI TRANSPORTER I

b. Address: 9813 Flying Cloud Dr Eden Prairie MN

c. Driver Name/Title: William Tamblyn PRINT/TYPE

d. Phone No.: 94-8394 e. Truck No.: 415

f. Vehicle License No./State: VA A3733

Acknowledgement of Receipt of Materials.

Signature of Driver Signature Date: 013197

Section III DESTINATION (Generator completes a-d; destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.

b. Physical Address: 2495 E. 117TH ST. INVER GROVE HEIGHTS, MN. 55077

c. Phone No.: 612-457-2778

d. Mailing Address: SAME

e. discrepancy indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent Signature: [Signature] RECEIVED JAN 31 1997

a. Operator's Name: b. Operator's Address: OPERATOR'S SIGNATURE

c. Operator's Address: OPERATOR'S SIGNATURE

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title: OPERATOR'S SIGNATURE

f. Name and Address of Responsible Agency: OPERATOR'S SIGNATURE

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122893

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation
b. Generating Location: Same
c. Address: 2015 NE Broadway
d. Address: Minneapolis, MN 55413
e. Phone No.: 481-6863
f. Phone No.:
If owner of the generating facility differs from the generator, provide:

g. Owner's Name: h. Owner's Phone No.:
i. BFI WASTE CODE
j. Description of Waste: Gelled Unsaturated Polyester
k. Quantity 1375 Units No. 401 TYPE
l. Resin
m. TYPE
n. UNITS
o. POUNDS
p. YARDS
q. CUBIC METERS
r. CUBIC YARDS
s. OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations. AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Signature
Generator Authorized Agent Name
Shipment Date

Section II TRANSPORTER (Generator completes a-d; Transporter I complete e-g; Transporter II complete h-i)

a. Name: BFI
b. Address: 9813 Flying 1st Ave SE
c. Driver Name/Title: Keith Kotelar
d. Phone No.: 941-8354
e. Truck No.: 466
f. Vehicle License No./State: 6144
g. Acknowledgement of Receipt of Materials.
h. Name: PSW
i. Address: 935
j. Driver Name/Title:
k. Phone No.:
l. Truck No.:
m. Vehicle License No./State:
n. Acknowledgement of Receipt of Materials.

o. Driver Signature
p. Shipment Date
q. DESTINATION (Generator completes a-d; destination site completes e-i)
r. PINE BEND LANDFILL, INC.
s. 2495 E. 117TH ST.
t. INVER GROVE HEIGHTS, MN. 55077
u. Phone No.: 612-457-2778
v. Mailing Address: SAME
w. Phone No.:
x. Mailing Address:
y. Phone No.:
z. Mailing Address:

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and correct.

Signature
Name of Authorized Agent
Signature
Receipt Date

Section IV ASBESTOS (Generator complete a-d; I, g. Operator completes e-i; S.A.M. complete j-l)

a. Operator's Name:
b. Operator's Address:
c. Operator's Address:
d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:
f. Name and Address
g. Operator's Signature
h. Date

9. ☐ Friable; ☐ Non-friable; ☐ Both % friable % nonfriable

Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

18 FEB 97 11:30



A 86 788 6-61 *TLQ* 62.70
NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III. **No. 122897**

Section I GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same
c. Address: 2015 NE Broadway d. Address:
Minneapolis, MN 55413
e. Phone No.: 481-6863 f. Phone No.:
If owner of the generating facility differs from the generator, provide:
g. Owner's Name: Owner's Phone No.:

i. BFI WASTE CODE

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| M | N | 3 | 4 | 9 | 9 | 7 | 0 | 5 | 2 | 2 |
|---|---|---|---|---|---|---|---|---|---|---|

 Containers

| | | | | |
|---|---|---|---|---|
| 4 | 4 | 2 | 2 | 6 |
|---|---|---|---|---|

j. Description of Waste: Gelled Unsaturated Polyester Resin k. Quantity

| | | | | |
|--|--|--|--|----|
| | | | | 30 |
|--|--|--|--|----|

 Units

| | |
|---|----|
| Y | 30 |
|---|----|

 No.

| |
|----|
| 30 |
|----|

 TYPE

| | |
|---|---|
| D | M |
|---|---|

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
or WRAP
T - TRUCK
O - OTHER

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

GARY SEVERSON Amy Krumm

| | | | |
|---|---|---|---|
| 3 | 7 | 9 | 7 |
|---|---|---|---|

Generator Authorized Agent Name Signature Shipment Date

Section II TRANSPORTER (Generator complete a-d; Transporter I complete e-h; Transporter II complete h-h)

TRANSPORTER I

a. Name: BFI
b. Address: 8300 Flying Cloud Dr.
c. Driver Name/Title: Mike Rittinger PRINT/TYPE
d. Phone No.: e. Truck No.: 460
f. Vehicle License No./State: YU5520 MN.
Acknowledgegement of Receipt of Materials.

TRANSPORTER II

h. Name:
i. Address:
j. Driver Name/Title: PRINT/TYPE
k. Phone No.: l. Truck No.:
m. Vehicle License No./State:
Acknowledgegement of Receipt of Materials.

g. Mike Rittinger

| | | | | | |
|---|---|---|----|---|---|
| - | 3 | - | 17 | 9 | 7 |
|---|---|---|----|---|---|

 Driver Signature Shipment Date
n. Driver Signature

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

 Shipment Date

Section III DESTINATION (Generator completes a-d; destination site completes e-f.)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN. 55077
c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent Signature Receipt Date

| | | | |
|---|---|---|---|
| 3 | 7 | 9 | 7 |
|---|---|---|---|

Section IV ASBESTOS (Generator complete a-d, f, g; Operator completes MAR 07 1997)

a. Operator's Name: b. Operator's Print/Type: INITIALS
c. Operator's Address:
d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title: Print/Type Operator's Signature Date

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

f. Name and Address of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122896

Section I

GENERATOR

(Generator completes all of Section I)

a. Generator Name: Interplastic Corporation
c. Address: 2015 NE Broadway
Minneapolis, MN 55413
e. Phone No.: 481-6863

b. Generating Location: Same
d. Address: 2015 NE Broadway NE
Minneapolis MN 55413
f. Phone No.: 612-481-6860

g. Owner's Name:

h. Owner's Phone No.:

i. BFI WASTE CODE
M N 3 4 9 9 7 0 5 2 2
j. Description of Waste: Gelled Unsaturated Polyester Resin

k. Quantity
4 4 2 2 6
Units
30 Y 38 D m

Containers
TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

CARY SEWESON
Generator Authorized Agent Name

Signature
m2

03199917
Shipment Date

Section II

TRANSPORTER (Generator completes a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I

a. Name: BFI
b. Address: 9813 Flying Cloud Dr
Eden Prairie MN
c. Driver Name/Title: Mite Dobey
d. Phone No.: 951 8339
e. Truck No.: 477
f. Vehicle License No./State: KC 92195 MN
g. Driver Signature: Mike Doley
3 1 9 9 7
Shipment Date

TRANSPORTER II

h. Name: X Y K
i. Address: X Y K
j. Driver Name/Title: X Y K
k. Phone No.:
l. Truck No.:
m. Vehicle License No./State:
n. Driver Signature:
Shipment Date

Section III

DESTINATION (Generator completes a-d; destination site completes e-l)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN. 55077

c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent
Signature

03199917
Receipt Date
MAR 19 1997

Section IV

ASBESTOS

(Generator completes a-d; i, g. Operator completes e-l)

a. Operator's Name:
b. Operator's Phone No.:
c. Operator's Address:
d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:
Print/Type
Operator's Signature
Date

f. Name and Address
of Responsible Agency:
g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

#88649 10.0320627

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is **NOI** asbestos waste, complete only Sections I, II and III.

No. 122898

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same

c. Address 2015 NE Broadway d. Address:

Minneapolis, MN 55413

e. Phone No.: 481-6863 f. Phone No.:

If owner of the generating facility differs from the generator, provide:

g. Owner's Name: h. Owner's Phone No.:

i. BFI WASTE CODE

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| M | N | 3 | 4 | 9 | 9 | 7 | 0 | 5 | 1 | 2 |
|---|---|---|---|---|---|---|---|---|---|---|

 Containers

| | | | | |
|---|---|---|---|---|
| 4 | 4 | 2 | 2 | 6 |
|---|---|---|---|---|

j. Description of Waste: Gelled Unsaturated Polyester k. Quantity 100 Units

| | | | | |
|---|---|---|---|---|
| Y | 3 | 5 | D | M |
|---|---|---|---|---|

Resin

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; **AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.**

GARY E. SPERSON Signature
Generator Authorized Agent Name

| | | | | |
|---|---|---|---|---|
| 3 | 2 | 4 | 9 | 7 |
|---|---|---|---|---|

 Shipment Date

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL PLASTIC BAG
T - TRUCK
O - OTHER

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

Section II

TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-i)

TRANSPORTER I

a. Name: BFI

b. Address: 9813 Flying Cloud DR E.P.

c. Driver Name/Title: KEITH KUTZER

d. Phone No.: 941-8394 e. Truck No.: 466

f. Vehicle License No./State:
Acknowledgement of Receipt of Materials.

g. Keith Kutzer Signature

| | | | | |
|---|---|---|---|---|
| 3 | 2 | 4 | 9 | 7 |
|---|---|---|---|---|

 Shipment Date

Section III

DESTINATION (Generator completes a-d; destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.

b. Physical Address: 2495 E. 117TH ST.

INVER GROVE HEIGHTS, MN. 55077

c. Phone No.: 612-457-2778

d. Mailing Address SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. R Signature

| | | | | |
|---|---|---|---|---|
| 3 | 2 | 4 | 9 | 7 |
|---|---|---|---|---|

 Receipt Date MAR 24 1997

Section IV

ASBESTOS (Generator complete a-d; f, g. Operator completes e-h)

a. Operator's Name:

c. Operator's Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:

f. Name and Address of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both % friable % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



4 86192
NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST
565th @ 62.80

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122901

Section I

GENERATOR

(Generator completes all Sections I, II, III and IV)

a. Generator Name: Interplastic Corporation
b. Generating Location: Same
c. Address: 2015 NE Broadway
d. Address: Minneapolis, MN 55413
e. Phone No.: 481-6863
f. Phone No.:
g. Owner's Name:
h. Owner's Phone No.:
i. Phone No.:
If owner of the generating facility differs from the generator, provide:

i. BFI WASTE CODE

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| M | N | 3 | 4 | 9 | 9 | 7 | 0 | 5 | 2 | 2 |
|---|---|---|---|---|---|---|---|---|---|---|

| | | | | |
|---|---|---|---|---|
| 4 | 4 | 2 | 2 | 6 |
|---|---|---|---|---|

Containers

j. Description of Waste: Gelled Unsaturated Polyester Resin
k. Quantity: 30 Units No. 10 TYPE: DM - METAL DRUM, DP - PLASTIC DRUM, B - BAG, BA - 6 MIL PLASTIC BAG or WRAP, - TRUCK, - OTHER

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 for any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation, according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gray E. Swenson
Generator Authorized Agent Name

Gray E. Swenson
Signature

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Shipment Date

Section II

TRANSPORTER I (Generator completes a-d, Transporter I completes e-g)

a. Name: BFI
b. Address: E D Law Praxy

TRANSPORTER II

PSU
835

c. Driver Name/Title: Michael J. Van Doren
d. Phone No.: 941-3334
e. Truck No.: 459
f. Vehicle License No./State: YASS638
g. Acknowledgement of Receipt of Materials.

Driver Signature: [Signature]
Shipment Date: 3/3/97

Section III

DESTINATION (Generator completes a-d, destination site completes e-g)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
c. Phone No.: 612-457-2778
d. Mailing Address: SAME
e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent: [Signature]
Signature: [Signature]
Receipt Date: 03/03/97

Section IV

ASBESTOS

(Generator completes a-d, f, g, Operator completes e)

a. Operator's Name: [Signature]
b. Operator's Phone No.: 612-457-2778
c. Operator's Address: [Signature]
d. Special Handling Instructions and additional information: [Signature]

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title: [Signature]
f. Name and Address: [Signature]
g. Frangible: ☐ Non-frangible: ☐ Both ☐ % frangible ☐ % nonfrangible

Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



A 62091 899TQ 62-96
NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122899

Section I GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generaling Location: Same
c. Address: 2015 NE Broadway d. Address: _____
Minneapolis, MN 55413
e. Phone No.: 481-6863 f. Phone No.: _____

If owner of the generating facility differs from the generator, provide:

g. Owner's Name: _____ h. Owner's Phone No.: _____

i. BFI WASTE CODE

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| M | N | 3 | 4 | 9 | 9 | 7 | 0 | 5 | 2 | 2 |
|---|---|---|---|---|---|---|---|---|---|---|

 Containers

| | | | | |
|---|---|---|---|---|
| 4 | 4 | 2 | 2 | 6 |
|---|---|---|---|---|

 TYPE
j. Description of Waste: Gelled Unsaturated Polyester k. Quantity 599 Units

| | | | | | | |
|---|---|---|---|---|---|---|
| 3 | 6 | 1 | 3 | 0 | 0 | M |
|---|---|---|---|---|---|---|

 TYPE

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
or WRAP
T - TRUCK
O - OTHER

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary Simpson Gary Simpson
Generator Authorized Agent Name Signature
Shipment Date

| | | | | |
|---|---|---|---|---|
| 4 | 1 | 8 | 9 | 7 |
|---|---|---|---|---|

Section II TRANSPORTER (Generator complete a-d; Transporter I complete e-h; Transporter II complete h-n)

TRANSPORTER I

a. Name: BFI h. Name: _____
b. Address: 9313 Flying Cloud DR i. Address: _____
E.P.
c. Driver Name/Title: Kurt Hutzler j. Driver Name/Title: _____
PRINT/TYPE
d. Phone No.: 941-8394 k. Phone No.: _____
e. Truck No.: 466 Truck No.: _____
f. Vehicle License No./State: 6444 m. Vehicle License No./State: _____
Acknowlegement of Receipt of Materials. Acknowledgement of Receipt of Materials.
g. Kurt Hutzler n. Driver Signature _____
Shipment Date

| | | | | |
|---|---|---|---|---|
| 4 | 1 | 8 | 9 | 7 |
|---|---|---|---|---|

 Shipment Date

TRANSPORTER II

Section III DESTINATION (Generator completes a-d; destination site completes e-l)

a. Site Name: PINE BEND LANDFILL, INC. c. Phone No.: 612-457-2778
b. Physical Address: 2495 E. 117TH ST. d. Mailing Address: SAME
INVER GROVE HEIGHTS, MN. 55077

e. Discrepancy Indication Space: _____

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Signature Signature
Name of Authorized Agent Signature
ASBESTOS (Generator complete a-d, f, g; Operator completes e-h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z, aa, ab, ac, ad, ae, af, ag, ah, ai, aj, ak, al, am, an, ao, ap, aq, ar, as, at, au, av, aw, ax, ay, az, ba, bb, bc, bd, be, bf, bg, bh, bi, bj, bk, bl, bm, bn, bo, bp, bq, br, bs, bt, bu, bv, bw, bx, by, bz, ca, cb, cc, cd, ce, cf, cg, ch, ci, cj, ck, cl, cm, cn, co, cp, cq, cr, cs, ct, cu, cv, cw, cx, cy, cz, da, db, dc, dd, de, df, dg, dh, di, dj, dk, dl, dm, dn, do, dp, dq, dr, ds, dt, du, dv, dw, dx, dy, dz, ea, eb, ec, ed, ee, ef, eg, eh, ei, ej, ek, el, em, en, eo, ep, eq, er, es, et, eu, ev, ew, ex, ey, ez, fa, fb, fc, fd, fe, ff, fg, fh, fi, fj, fk, fl, fm, fn, fo, fp, fq, fr, fs, ft, fu, fv, fw, fx, fy, fz, ga, gb, gc, gd, ge, gf, gg, gh, gi, gj, gk, gl, gm, gn, go, gp, gq, gr, gs, gt, gu, gv, gw, gx, gy, gz, ha, hb, hc, hd, he, hf, hg, hh, hi, hj, hk, hl, hm, hn, ho, hp, hq, hr, hs, ht, hu, hv, hw, hx, hy, hz, ia, ib, ic, id, ie, if, ig, ih, ii, ij, ik, il, im, in, io, ip, iq, ir, is, it, iu, iv, iw, ix, iy, iz, ja, jb, jc, jd, je, jf, jg, jh, ji, jj, jk, jl, jm, jn, jo, jp, jq, jr, js, jt, ju, jv, jw, jx, jy, jz, ka, kb, kc, kd, ke, kf, kg, kh, ki, kj, kl, km, kn, ko, kp, kq, kr, ks, kt, ku, kv, kw, kx, ky, kz, la, lb, lc, ld, le, lf, lg, lh, li, lj, lk, ll, lm, ln, lo, lp, lq, lr, ls, lt, lu, lv, lw, lx, ly, lz, ma, mb, mc, md, me, mf, mg, mh, mi, mj, mk, ml, mm, mn, mo, mp, mq, mr, ms, mt, mu, mv, mw, mx, my, mz, na, nb, nc, nd, ne, nf, ng, nh, ni, nj, nk, nl, nm, nn, no, np, nq, nr, ns, nt, nu, nv, nw, nx, ny, nz, oa, ob, oc, od, oe, of, og, oh, oi, oj, ok, ol, om, on, oo, op, oq, or, os, ot, ou, ov, ow, ox, oy, oz, pa, pb, pc, pd, pe, pf, pg, ph, pi, pj, pk, pl, pm, pn, po, pp, pq, pr, ps, pt, pu, pv, pw, px, py, pz, qa, qb, qc, qd, qe, qf, qg, qh, qi, qj, qk, ql, qm, qn, qo, qp, qq, qr, qs, qt, qu, qv, qw, qx, qy, qz, ra, rb, rc, rd, re, rf, rg, rh, ri, rj, rk, rl, rm, rn, ro, rp, rq, rr, rs, rt, ru, rv, rw, rx, ry, rz, sa, sb, sc, sd, se, sf, sg, sh, si, sj, sk, sl, sm, sn, so, sp, sq, sr, ss, st, su, sv, sw, sx, sy, sz, ta, tb, tc, td, te, tf, tg, th, ti, tj, tk, tl, tm, tn, to, tp, tq, tr, ts, tt, tu, tv, tw, tx, ty, tz, ua, ub, uc, ud, ue, uf, ug, uh, ui, uj, uk, ul, um, un, uo, up, uq, ur, us, ut, uu, uv, uw, ux, uy, uz, va, vb, vc, vd, ve, vf, vg, vh, vi, vj, vk, vl, vm, vn, vo, vp, vq, vr, vs, vt, vu, vv, vw, vx, vy, vz, wa, wb, wc, wd, we, wf, wg, wh, wi, wj, wk, wl, wm, wn, wo, wp, wq, wr, ws, wt, wu, wv, ww, wx, wy, wz, xa, xb, xc, xd, xe, xf, xg, xh, xi, xj, xk, xl, xm, xn, xo, xp, xq, xr, xs, xt, xu, xv, xw, xx, xy, xz, ya, yb, yc, yd, ye, yf, yg, yh, yi, yj, yk, yl, ym, yn, yo, yp, yq, yr, ys, yt, yu, yv, yw, yx, yy, yz, za, zb, zc, zd, ze, zf, zg, zh, zi, zj, zk, zl, zm, zn, zo, zp, zq, zr, zs, zt, zu, zv, zw, zx, zy, zz)

a. Operator's Name: _____ b. Operator's Phone No.: _____

c. Operator's Address: _____

d. Special Handling Instructions and additional information: _____

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title: _____ f. Name and Address of Responsible Agency: _____
Operator's Signature _____ Date

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122900

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation

b. Generating Location:

Same

c. Address: 2015 NE Broadway

d. Address:

Minneapolis, MN 55413

e. Phone No.: 481-6863

f. Phone No.:

If owner of the generating facility differs from the generator, provide:

g. Owner's Name:

h. Owner's Phone No.:

i. BFI WASTE CODE

M N 3 4 9 9 7 0 5 2 2

4 4 2 2 6

Containers

j. Description of Waste: Gelled Unsaturated Polyester Resin

k. Quantity 9.729 Units No. 30 Y 35 DM

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
or WRAP
T - TRUCK
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Generator Authorized Agent Name: Keith Peterson Signature: Keith Peterson

Shipment Date

Section II

TRANSPORTER (Generator completes a-d; Transporter I completes e-g; Transporter II completes h-h)

TRANSPORTER I

a. Name: BFI

b. Address: 9813 Flying Cloud DR E. P.

c. Driver Name/Title: Keith Kutzler

d. Phone No.: 941-8394

PRINT/TYPE

i. Driver Name/Title:

k. Phone No.:

PRINT/TYPE

l. Truck No.:

f. Vehicle License No./State: 1044

Acknowledgement of Receipt of Materials.

g. Driver Signature: Keith Kutzler Shipment Date: 5 20 97

n. Driver Signature

Shipment Date

Section III

DESTINATION (Generator completes a-d; destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.

c. Phone No.: 612-457-2778

b. Physical Address: 2495 E. 117TH ST.

d. Mailing Address: SAME

INVER GROVE HEIGHTS, MN. 55077

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent: BFI Signature: BFI

PRINT/TYPE

Section IV

ASBESTOS

(Generator completes a-f; i, j. Operator completes g-h)

a. Operator's Name:

b. Operator's Phone No.:

c. Operator's Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:

Print/Type

f. Name and Address

of Responsible Agency:

Date

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.
20 MAY 97 10: 32



A07775

79522@62-90

NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

No. 122902

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same
c. Address: 2015 NE Broadway d. Address:
Minneapolis, MN 55413
e. Phone No.: 481-6863 f. Phone No.:

If owner of the generating facility differs from the generator, provide:

g. Owner's Name:

h. Owner's Phone No.:

i. BFI WASTE CODE

M N 3 4 9 9 7 0 5 2 2

Containers
4 4 2 2 6

j. Description of Waste: Gelled Unsaturated Polyester

k. Quantity 992 Units

l. No. 40 TYPE DM

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL PLASTIC BAG
or WRAP
T - TRUCK
O - OTHER

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Carol E. Swanson
Generator Authorized Agent Name

Guy E. Swanson
Signature

Shipment Date

Section II

TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I

a. Name: BFI
b. Address: 9813 Flying Cloud DR E.P.
c. Driver Name/Title: Kathy Kotel
d. Phone No.: 941-8394 e. Truck No.: 466
f. Vehicle License No./State: 6144
Acknowledgement of Receipt of Materials.

g. dubinsky
Driver Signature
Shipment Date
5 2 8 9 7

Section III DESTINATION (Generator completes a-d; destination site completes e-f)
a. Site Name: PINE BEND LANDFILL, INC.

b. Physical Address: 2495 E. 117TH ST.

INVER GROVE HEIGHTS, MN. 55077

Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. KE
Name of Authorized Agent
Signature

Section IV

ASBESTOS

(Generator complete a-d, f, g; Operator* completes e.)

a. Operator's* Name:

c. Operator's* Address:

b. Operator's* Phone No.:

DATE
LABORATORY ANALYSIS
INITIALS

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's* Name & Title:

f. Name and Address
of Responsible Agency:

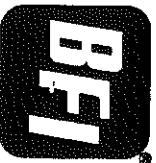
Print/Type

Operator's Signature

Date

g. ☐ Friable; ☐ Non-friable; ☐ Both % friable % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122904

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation
c. Address: 2015 NE Broadway
Minneapolis, MN 55413

b. Generating Location: Same
d. Address:

e. Phone No.: 481-6863
If owner of the generating facility differs from the generator, provide:

g. Owner's Name:

h. Owner's Phone No.:

i. BFI WASTE CODE
M N 3 4 9 9 X 0 5 2 2

4 4 2 2 6

Containers

j. Description of Waste: Gelled Unsaturated Polyester Resin, FILLER MAGNETIC

k. Quantity 948
304 28 DM

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations. AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary Severson
Authorized Agent Name
Signature
Date 06/11/97
Shipment Date

Section II

TRANSPORTER (Generator completes a-d; Transporter I completes e-g; Transporter II completes h-n)

TRANSPORTER I

a. Name: BFI
b. Address: 1813 Flying Cloud DR E.R.

TRANSPORTER II

h. Name: ASX
i. Address: 936

c. Driver Name/Title: Keith Koteler
d. Phone No.: 941-8374
e. Truck No.: 466

j. Driver Name/Title:
k. Phone No.:
l. Truck No.:

f. Vehicle License No./State:
Acknowledgement of Receipt of Materials.

m. Vehicle License No./State:
Acknowledgement of Receipt of Materials.

g. Signature
6/11/97

n. Signature
6/11/97

Section III

DESTINATION

(Generator completes a-d; destination site completes e-h)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN. 55077

c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

i. Name of Authorized Agent: BFI
Signature: BFI
Receipt Date: 06/11/97

Section IV

ASBESTOS (Generator completes a-d; i, g, Operator completes e.)

a. Operator's Name:
b. Operator's Phone No.:
c. Operator's Address:
d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:
f. Name and Address:
of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both % friable % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZAROUS SPECIAL WASTE & SBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122906

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same

c. Address: 2015 NE Broadway d. Address:

Minneapolis, MN 55413

e. Phone No.: 481-6863 f. Phone No.:

If owner of the generating facility differs from the generator, provide:

g. Owner's Name: h. Owner's Phone No.:

i. BFI WASTE CODE: M N 3 4 9 9 0 5 2 2

j. Description of Waste: Gelled Unsaturated Polyester

Resin

Containers: 4 4 2 2 6
Units: 3 0 7 3 1 1 D M

TYPE: DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Signature: Gary Swanson
Generator/Authorized Agent Name: 7 2 1 9 7
Signature: 7 2 1 9 7
Shipment Date

Section II

TRANSPORTER (Generator complete a-d; Transporter complete e-h)

TRANSPORTER I

a. Name: BFI

Address: 9813 Flying cloud DR E.P.

c. Driver Name/Title: Keith Kubelec

PRINT/TYPE

d. Phone No.: 941-8394 e. Truck No.: 466

f. Vehicle License No./State: 6144

Acknowledgement of Receipt of Materials.

Signature: Keith Kubelec
Driver Signature: 7 2 1 9 7
Shipment Date

TRANSPORTER II

h. Name: RSY

i. Address: 935

j. Driver Name/Title:

PRINT/TYPE

k. Phone No.:

l. Truck No.:

m. Vehicle License No./State:

Acknowledgement of Receipt of Materials.

Signature: [Blank]
Driver Signature: [Blank]
Shipment Date: [Blank]

Section III

DESTINATION (Generator completes a-d, destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.

c. Phone No.: 612-457-2778

b. Physical Address: 2495 E. 117TH ST.

d. Mailing Address: SAME

INVER GROVE HEIGHTS, MN. 55077

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

Signature: Ben Bissel
Name of Authorized Agent: 7 2 1 9 7
Signature: 7 2 1 9 7
Receipt Date

Section IV

ASBESTOS (Generator complete a-d, f, g. Operator completes e.)

a. Operator's Name:

b. Operator's Phone No: JUL 21 1997

c. Operator's Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:

Print/Type

Operator's Signature

f. Name and Address of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

REGISTRATION THROUGH BFI / UAPCO CONTRACT

DESTINATION RETAIN



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122907

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation

b. Generating Location:

Same

c. Address: 2015 NE Broadway

d. Address:

Minneapolis, MN 55413

g. Phone No.: 481-6863

h. Phone No.:

If owner of the generating facility differs from the generator, provide:

g. Owner's Name:

h. Owner's Phone No.:

i. BFI WASTE CODE

M N 3 4 9 9 7 0 5 2 2

4 4 2 2 6

j. Description of Waste: Gelled Unsaturated Polyester

k. Quantity

30 Y 25 D M

Containers
No. TYPE
1025

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
or WRAP
T - TRUCK
O - OTHER

Resin

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations. AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Generator Authorized Agent Name
Gary Severson

Signature
[Signature]

Shipment Date
10 22 97

Section II

TRANSPORTER (Generator completes a-d; Transporter I completes e-g; Transporter II completes h-n)

TRANSPORTER I

a. Name: BFI

b. Address: 9813 Flying Cloud Dr.

c. Driver Name/Title: Keith Kotzke

d. Phone No.: 941-8394

PRINTER/TYPE

e. Truck No.: 466

f. Vehicle License No./State: 6144

Acknowledgement of Receipt of Materials.

g. Driver Signature
[Signature]

Shipment Date
10 22 97

TRANSPORTER II

h. Name:

i. Address:

j. Driver Name/Title:

k. Phone No.:

PRINTER/TYPE

l. Truck No.:

m. Vehicle License No./State:

Acknowledgement of Receipt of Materials.

n. Driver Signature
[Signature]

Shipment Date
[] [] [] [] [] []

Section III

DESTINATION (Generator completes a-d; destination site completes e-l)

a. Site Name: PINE BEND LANDFILL, INC.

c. Phone No.: 612-457-2778

b. Physical Address: 2495 E. 117TH ST.

d. Mailing Address: SAME

INVER GROVE HEIGHTS, MN. 55077

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

i. Name of Authorized Agent
M Ziemke

Signature
[Signature]

Receipt Date
10 22 97

Section IV

ASBESTOS (Generator completes a-d, l, g; Operator completes e.)

a. Operator's Name:

c. Operator's Address:

d. Special Handling Instructions and additional information:

e. Operator's Name & Title:

Print/Type

f. Name and Address

g. Responsible Agency:

g. ☐ Frable; ☐ Non-frable; ☐ Both ☐ % frable ☐ % nonfrable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

REORDER ONLY THROUGH BFI / UARCO CONTRACT

DESTINATION RETAIN



H 33558 3.21 to 70.07
NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122908

Section I GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same
c. Address: 2015 NE Broadway d. Address:
Minneapolis, MN 55413
e. Phone No.: 481-6863 f. Phone No.:

If owner of the generating facility differs from the generator, provide:

g. Owner's Name: h. Owner's Phone No.:

i. BFI WASTE CODE M N 3 4 9 9 7 0 5 2 2

j. Description of Waste: Gelled Unsaturated Polyester k. Quantity 3.21 Units 30 Y 09 DM
Resin

Containers
TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary Severson
Generator/Authorized Agent Name
Signature
1 1 8 9 8
Shipment Date

Section II TRANSPORTER (Generator complete a-d; Transporter complete e-g)

TRANSPORTER I

a. Name: BFI
b. Address: 9813 Flying Cloud DR E.R.
c. Driver Name/Title: Keith Kutler
d. Phone No.: 941-8394 e. Truck No.:
f. Vehicle License No./State:
g. Driver Signature: Keith Kutler
Signature
1 1 8 9 8
Shipment Date

PRINT/TYPE

Truck No.:

h. Name:
i. Address:
j. Driver Name/Title:
k. Phone No.:
l. Vehicle License No./State:
m. Acknowledgement of Receipt of Materials:
n. Driver Signature:
Signature Date

TRANSPORTER II

Section III DESTINATION (Generator completes a-d, destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN. 55077
c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent: [Signature]
Signature
Signature Date

Section IV ASBESTOS (Generator complete a-d, f, g. Operator* completes e)

a. Operator's* Name:
b. Operator's* Phone No.:
c. Operator's* Address:
d. Special Handling Instructions and additional information:
DATE: JAN 08 1998
OPERATOR'S SIGNATURE: [Signature]

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's* Name & Title: [Signature]
Signature
Operator's Signature
Date

f. Name and Address
of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122909

44779

10.34 Tons @ 70.07

Section I GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same

c. Address: 2015 NE Broadway d. Address:

e. Phone No.: 481-6863 f. Phone No.:

g. Owner's Name: Interplastic Corporation h. Owner's Phone No.: 481-6863

i. BFI WASTE CODE:

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| M | N | 3 | 4 | 9 | 9 | 7 | 0 | 5 | 2 | 2 |
|---|---|---|---|---|---|---|---|---|---|---|

 Containers:

| | | | | |
|---|---|---|---|---|
| 4 | 4 | 2 | 2 | 6 |
|---|---|---|---|---|

 TYPE:

| | | | | | |
|-----------------|-------------------|---------|-------------------------|-------------------|-----------|
| DM - METAL DRUM | DP - PLASTIC DRUM | B - BAG | BA - 6 MIL. PLASTIC BAG | T - TRUCK or WRAP | O - OTHER |
|-----------------|-------------------|---------|-------------------------|-------------------|-----------|

j. Description of Waste: Gelled Unsaturated Polyester Resin FILLER MATERIAL (3 drums) k. Quantity: 10.34 Tons Units: Y No.: 30 TYPE: DM

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations. AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

UNITS:

| | | | | |
|------------|-----------|-------------------------------|------------------------------|-----------|
| P - POUNDS | Y - YARDS | M ³ - CUBIC METERS | Y ³ - CUBIC YARDS | O - OTHER |
|------------|-----------|-------------------------------|------------------------------|-----------|

General Authorized Agent Name: Gary Swanson Signature: Gary Swanson Shipment Date:

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Section II TRANSPORTER (Generator completes a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I

a. Name: BFI h. Name:

b. Address: 9813 Flying Cloud DR Eden Prairie MN i. Address:

c. Driver Name/Title: Mike Dorsey j. Driver Name/Title:

d. Phone No.: 94183995 k. Phone No.:

l. Vehicle License No./State: VC92195 m. Vehicle License No./State:

Acknowledgement of Receipt of Materials.

Acknowledgement of Receipt of Materials.

g. Mike Dorsey Driver Signature: Mike Dorsey i. Driver Signature:

Section III DESTINATION (Generator completes a-d, destination site completes e-i)

a. Site Name: PINE BEND LANDFILL, INC. c. Phone No.: 612-457-2778

b. Physical Address: 2495 E. 117TH ST. INVER GROVE HEIGHTS, MN. 55077 d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

i. Shirley J. Jorgensen Signature: Shirley J. Jorgensen Receipt Date: 04/21/98

Section IV ASBESTOS (Generator completes a-d, i, g, Operator completes e.)

a. Operator's Name: b. Operator's Phone No.:

c. Operator's Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title: f. Name and Address:

g. Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both % friable % nonfriable

Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



A 5-4131 918 to @ 70-07
NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 122892

Section I GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same
c. Address: 2015 NE Broadway d. Address: _____
Minneapolis, MN 55413
e. Phone No.: 481-6863 f. Phone No.: _____
If owner of the generating facility differs from the generator, provide:
g. Owner's Name: _____ h. Owner's Phone No.: _____

i. BFI WASTE CODE:

| | | | | |
|---|---|---|---|---|
| M | N | 3 | 4 | 9 |
|---|---|---|---|---|

 9 7 0 5 2 2
j. Description of Waste: Gelled Unsaturated Polyester k. Quantity:

| | | | | |
|---|---|---|---|---|
| 4 | 4 | 2 | 2 | 6 |
|---|---|---|---|---|

 l. Units: DM
Resin m. Type:

| | | | |
|---|---|---|----|
| 4 | 2 | 9 | DM |
|---|---|---|----|

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary E. Severson Signature
Generator Authorized Agent Name
61698 Shipment Date

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

Section II TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-i)

TRANSPORTER I
a. Name: BFI
b. Address: 9813 Flying Cloud DR
E. P.
c. Driver Name/Title: Keith Kattaler PRINT/TYPE
d. Phone No.: 941-8394 e. Truck No.: 466614
f. Vehicle License No./State: 6744 Y4 73599
Acknowledgegement of Receipt of Materials.
g. Kattaler Driver Signature

| | | | | |
|---|---|---|---|---|
| 6 | 1 | 6 | 9 | 8 |
|---|---|---|---|---|

 Shipment Date

TRANSPORTER II
h. Name: _____
i. Address: _____
j. Driver Name/Title: _____ PRINT/TYPE
k. Phone No.: _____ l. Truck No.: _____
m. Vehicle License No./State: _____
Acknowledgegement of Receipt of Materials.
n. Kattaler Driver Signature

| | | | | |
|--|--|--|--|--|
| | | | | |
|--|--|--|--|--|

 Shipment Date

Section III DESTINATION (Generator completes a-d; destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN. 55077
c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. L. discrepancy Indication Space: _____
I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. [Signature] Name of Authorized Agent [Signature] Signature
[Signature] Receipt Date

Section IV ASBESTOS (Generator complete a-d; f; g; Operator* completes e.)

a. Operator's* Name: _____ b. Operator's* Phone No.: _____
c. Operator's* Address: _____
d. Special Handling Instructions and additional information: _____

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's* Name & Title: _____ Print/Type
f. Name and Address _____ Operator's Signature
of Responsible Agency: _____ Date

g. ☐ Friable; ☐ Non-friable; ☐ Both _____ % friable _____ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 196290

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation
c. Address: 2015 NE Broadway
Minneapolis, MN 55413

e. Phone No.: 612-481-6863

If owner of the generating facility differs from the generator, provide:

g. Owner's Name:

h. Owner's Phone No.:

i. BFI WASTE CODE
M N 3 4 9 0 5 2 2 4 4 2 2 6

Containers

j. Description of Waste: Gelled unsaturated polyester resin, filter media

k. Quantity
20 yd

Units No. TYPE
DM

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations. AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

Operator Authorized Agent Name
Signature
Shipment Date

Section II

TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I

TRANSPORTER II

a. Name: BEI
b. Address: 9813-Elyring Cloud Dr
Eden Prairie, MN 55347

c. Driver Name/Title: Bill Markholts
PRINT/TYPE

d. Phone No.:
e. Truck No.: 416

f. Vehicle License No./State: YM93920
Acknowledgement of Receipt of Materials.

g. Driver Signature
Shipment Date

Section III

DESTINATION (Generator completes a-d; destination site completes e-i)

a. Site Name: PINE BEND LANDFILL, INC.

b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN 55077

c. Phone No.: 612-457-2778

d. Mailing Address: SAME

h. Name:
i. Address:
j. Driver Name/Title:
k. Phone No.:
l. Truck No.:
m. Vehicle License No./State:
Acknowledgement of Receipt of Materials.
n. Driver Signature
Shipment Date

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

Name of Authorized Agent
Signature
Receipt Date

Section IV

ASBESTOS (Generator complete a-d, f, g. Operator* completes e.)

a. Operator's Name:

b. Operator's Phone No.:

c. Operator's Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:

Print/Type

Operator's Signature

Date

f. Name and Address

of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

*Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

Section I. GENERATOR (Generator completes all of Section I)

Generator Name: INTERPLASTIC CORP. Generating Location: same

c. Address: 2015 Broadway NE d. Address: _____

MINNEAPOLIS MN 55413

a. Phone No.: (612) 481-6860 f. Phone No.: _____

If owner of the generating facility differs from the generator, provide:

g. Owner's Name: _____

h. Owner's Phone No.: _____

i. BFI WASTE CODE MM349960522

j. Description of Waste: GELCO UNSATURATED POLYESTER

RESIN, FILTER MEDIA

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary F. Severson

Generator Authorized Agent Name

Gary F. Severson

Signature

Shipment Date

Section II

TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-h)

TRANSPORTER I

a. Name: BFE

Address: 9813 Flying Cloud Drive

Eden Prairie, MN 55347

c. Driver Name/Title: Bill Mayhew

PRINT/TYPE

d. Phone No.: _____

e. Truck No.: 416

f. Vehicle License No./State: YM 93920

Acknowledgement of Receipt of Materials.

j. Driver Name/Title: _____

PRINT/TYPE

k. Phone No.: _____

l. Truck No.: _____

m. Vehicle License No./State: _____

Acknowledgement of Receipt of Materials.

g. Driver Signature

Bill Mayhew

Shipment Date

8 7 9 8

Driver Signature

Shipment Date

08 07 98

Section III

DESTINATION (Generator completes a-d, destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.

c. Phone No.: 612-457-2778

b. Physical Address: 2495 E. 117TH ST.

d. Mailing Address: SAME

INVER GROVE HEIGHTS, MN. 55077

e. Discrepancy Indication Space: _____

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent

Signature

08 07 98

Receipt Date

Section IV

ASBESTOS (Generator complete a-d, f, g. Operator* completes e.)

a. Operator's* Name: _____

b. Operator's* Phone No.: _____

c. Operator's* Address: _____

d. Special Handling Instructions and additional information: _____

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's* Name & Title: _____

Print/Type

Operator's* Signature

f. Name and Address

of Responsible Agency: _____

g. ☐ Friable; ☐ Non-friable; ☐ Both _____ % friable _____ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

DESTINATION RETAIN



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 193083

Section I GENERATOR (Generator completes all of Section I)

Generator Name: Interplastic Corp
Address: 2015 Broadway NE
City: Minneapolis, MN State: 55413
Phone No.: (651) 481-6860

If owner of the generating facility differs from the generator, provide:

Owner's Name: _____

i. BFI WASTE CODE: MN 3 4 9 9 6 0 5 2 2
Description of Waste: Gelled unsaturated polyester Resin, FILTER MEDIA
Quantity: 20 Units: 35 Containers: 44 2 2 6

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Signature: Gary E. Severson Shipment Date: _____

Section II TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I

a. Name: BFI
Address: Eden Prairie, MN
Driver Name/Title: Kent Wiese
Phone No.: 941-8394 Truck No.: 465
Vehicle License No./State: YM 97780 MN
Acknowledgement of Receipt of Materials: _____
Signature: Kent Wiese Shipment Date: 12 10 98

TRANSPORTER II

h. Name: _____
i. Address: _____
j. Driver Name/Title: _____
k. Phone No.: _____ Truck No.: _____
m. Vehicle License No./State: _____
Acknowledgement of Receipt of Materials: _____
Signature: _____ Shipment Date: _____

Section III DESTINATION (Generator completes a-d; destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN 55077

c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

Signature: John Schulte Receipt Date: 12/09/98

Section IV ASBESTOS (Generator complete a-d; f, g, Operator* completes e.)

a. Operator's Name: _____

b. Operator's Address: _____

c. Special Handling Instructions and additional information: _____

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title: _____

f. Name and Address: _____

g. Responsible Agency: _____

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

REORDER ONLY THROUGH BFI / UARCO CONTRACT

DESTINATION REFRAIN



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOI asbestos waste, complete only Sections I, II and III.

No. 377361

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation
b. Generating Location: Same
c. Address: 2015 NE Broadway St.
Minneapolis, MN 55413
d. Address:

e. Phone No.: (651) 481-6860
f. Phone No.:
If owner of the generating facility differs from the generator, provide:

g. Owner's Name: h. Owner's Phone No.:
i. BFI WASTE CODE
M N 3 4 9 9 8 0 5 2 2
Containers 4 4 2 2 6

j. Description of Waste: Gelled Unsaturated Polyester Resin, Filter Media
k. Quantity 9.26 Units No. 35 TYPE DM
TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK or WRAP
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations. AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary E. Svenson
Signature
Shipment Date 02/18/99

Section II

TRANSPORTER (Generator completes a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I
a. Name: BFI
b. Address: Eden Prairie, MN
h. Name:
i. Address:

c. Driver Name/Title: David
PRINT/TYPE
e. Truck No.: 465
j. Driver Name/Title:
PRINT/TYPE
k. Phone No.:
l. Truck No.:

l. Vehicle License No./State: MN. YMA 977382
m. Vehicle License No./State:
n. Driver Signature
Shipment Date

Section III

DESTINATION (Generator completes a-d; destination site completes e-i)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN 55077
c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent

Signature

Print/Type

Section IV

ASBESTOS

(Generator completes a-d, f, g; Operator completes e)

a. Operator's Name: b. Operator's Phone No.:
c. Operator's Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title: f. Name and Address
Print/Type Operator's Signature Date
of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

10 FEB 99 8:00

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

REORDER ONLY THROUGH BFI / UARCO CONTRACT

DESTINATION RETAIN



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.

If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 377358

Section I GENERATOR (Generator completes all of Section I)

Generator Name: Interplastic Corporation
Address: 2015 NE Broadway St
Minneapolis, MN 55413
Generating Location: Same
Address: Same

Phone No.: (651) 481-6860

If owner of the generating facility differs from the generator, provide:

Owner's Name: 994
Owner's Phone No.: 44226

BFI WASTE CODE: MN349960522
Description of Waste: Gelled Polyester Resin, Filter Media
Quantity: 8.96 Units
Type: DM

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Instructions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Signature: Gary Severson
Generator Authorized Agent Name: Gary Severson

Section II TRANSPORTER (Generator complete a-d, Transporter complete e-g)

Transporter I
Name: BFI
Address: 9813 Flying Cloud Dr
Driver Name/Title: Dennis Asklund
Phone No.: 946-5323
Vehicle License No./State: 8292
Acknowledgement of Receipt of Materials: 030499
Transporter II
Name:
Address:
Driver Name/Title:
Phone No.:
Vehicle License No./State:
Acknowledgement of Receipt of Materials:
Signature: Dennis Asklund
Shipment Date: 030499

Section III DESTINATION (Generator completes a-d, destination site completes e-f)

Site Name: PINE BEND LANDFILL, INC.
Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN 55077
Phone No.: 612-457-2778
Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

Name of Authorized Agent: Gary Severson
Signature: Gary Severson
ASBESTOS (Generator complete a-d, f, g, Operator* completes e.)

a. Operator's Name:

c. Operator's Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's Name & Title:

f. Name and Address

of Responsible Agency:

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator's Signature: Gary Severson

REORDER ONLY THROUGH BFI / UARCO CONTRACT

DESTINATION RETAIN



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 377360

GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation
b. Generating Location: Same
c. Address: 2015 NE Broadway St
d. Address: Minneapolis, MN 55413

e. Phone No.: (651) 481-6860
f. Phone No.:

g. Owner's Name:

h. Owner's Phone No.: 651 3, 73

i. BFI WASTE CODE

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| M | N | 3 | 4 | 9 | 9 | 6 | 0 | 5 | 2 | 2 |
|---|---|---|---|---|---|---|---|---|---|---|

Containers

j. Description of Waste: Gelled Unsaturated

30 Polyester Resin, Filter Media

| | | | |
|----------|-------|-----|------|
| Quantity | Units | No. | TYPE |
| 30 | Y | 30 | DM |

| | |
|------|-------------------------|
| TYPE | DM - METAL DRUM |
| | DP - PLASTIC DRUM |
| | B - BAG |
| | BA - 6 MIL. PLASTIC BAG |
| | or WRAP |
| | T - TRUCK |
| | O - OTHER |

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations. AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary Severson
Generator Authorized Agent Name

Signature

| | | | | | | |
|---|---|---|---|---|---|---|
| 0 | 6 | 1 | 0 | 9 | 9 | 9 |
|---|---|---|---|---|---|---|

Shipment Date

Section II TRANSPORTER (Generator completes a-d, Transporter I complete e-g, Transporter II complete h-n)

TRANSPORTER I

TRANSPORTER II

a. Name: BFI
b. Address: 9813 - Flying Cloud Dr.
Eden Prairie, MN 55334

h. Name:
i. Address:

c. Driver Name/Title: Bill Marcholtz
e. Truck No.: 416

j. Driver Name/Title:
k. Phone No.:
l. Truck No.:

f. Vehicle License No./State: MN. YM 93920
Acknowledgement of Receipt of Materials.

m. Vehicle License No./State:
Acknowledgement of Receipt of Materials.

g. Bill Marcholtz
e. 614999

n. Driver Signature
Shipment Date

Section III DESTINATION (Generator completes a-d, destination site completes e-l)

a. Site Name: PINE BEND LANDFILL, INC.
c. Phone No.: 612-457-2778
b. Physical Address: 2495 E. 117TH ST.
d. Mailing Address: SAME
INVER GROVE HEIGHTS, MN 55077

e. Discrepancy Indication Space:
I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

Signature: JET
Receipt Date: 06/14/99

Section IV ASBESTOS (Generator complete a-d, I, g, Operator* completes e.)

a. Operator's* Name:
b. Operator's* Phone No.:

c. Operator's* Address:

d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's* Name & Title: Print/Type Operator's Signature Date

f. Name and Address of Responsible Agency:
g. ☐ Friable; ☐ Non-friable; ☐ Both % friable % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.



NON-HAZARD US SPECIAL WASTE & BESTOS MANIFEST

No. 377362

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

Section I GENERATOR (Generator completes all of Section I)

a. Generator Name: Interplastic Corporation b. Generating Location: Same
c. Address: 2015 NE Broadway St. d. Address:
Minneapolis MN 55413
e. Phone No.: (651) 481-6860 f. Phone No.:
g. Owner's Name: h. Owner's Phone No.: 2

i. BFI WASTE CODE: MN 3 4 9 9 6 0 5 2
j. Description of Waste: Gelled Unsaturated Polyester Resin, Filter Media
Containers: 4 4 22 6
No. 28
TYPE DM
TYPE: DM - METAL DRUM, DP - PLASTIC DRUM, B - BAG, BA - 6 MIL. PLASTIC BAG or WRAP, T - TRUCK, O - OTHER
UNITS: P - POUNDS, Y - YARDS, M³ - CUBIC METERS, Y³ - CUBIC YARDS, O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary E. Siverston
Generator Authorized Agent Name
Signature: Gary E. Siverston
Shipment Date: 07/21/99

Section II TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I

a. Name: BFI
b. Address: Eden Prairie, Mn.

c. Driver Name/Title: Keith Wiese
d. Phone No.: 465
e. Truck No.: 465
f. Vehicle License No./State: YM 97780 MN.
g. Driver Signature: Keith Wiese
Shipment Date: 07/21/99

TRANSPORTER II

h. Name:
i. Address:
j. Driver Name/Title:
k. Phone No.:
l. Truck No.:
m. Vehicle License No./State:
n. Driver Signature: [Signature]
Shipment Date: [Date]

Section III DESTINATION (Generator completes a-d, destination site completes e-f)

a. Site Name: PINE BEND LANDFILL, INC.
b. Physical Address: 2495 E. 117TH ST.
INVER GROVE HEIGHTS, MN 55077

c. Phone No.: 612-457-2778
d. Mailing Address: SAME

e. Discrepancy Indication Space:

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent: [Signature]
Signature: [Signature]
Receipt Date: 07/21/99

Section IV ASBESTOS (Generator complete a-d, f, g. Operator* completes e.)

a. Operator's* Name:
b. Operator's* Phone No.:
c. erator's* Address:
d. Special Handling Instructions and additional information:

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's* Name & Title: [Signature]
f. Name and Address: [Signature]
g. of Responsible Agency: [Signature]

g. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

REORDER ONLY THROUGH BFI / UAPCO CONTRACT DESTINATION RETAIN



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

11408

9.18

7007

No. 646130

Section I

GENERATOR (Generator completes all of Section I)

a. Generator Name: INTERPAPER CORP. b. Generating Location: STAYLE
c. Address: 2015 BROADWAY NE d. Address: MINNEAPOLIS, MN 55443
e. Phone No.: (651) 481-6860 f. Phone No.: _____
If owner of the generating facility differs from the generator, provide:

g. Owner's Name: _____

h. Owner's Phone No.: _____

i. BFI WASTE CODE

MM 349 960522

Containers

j. Description of Waste: GREEN, UNSTABILIZED

POLYESTER REIN

k. Quantity 918

Units Y No. 320 TYPE M

TYPE
DM - METAL DRUM
DP - PLASTIC DRUM
B - BAG
BA - 6 MIL. PLASTIC BAG
T - TRUCK
O - OTHER

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations; AND, If the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Restrictions, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 268 and is no longer a hazardous waste as defined by 40 CFR Part 261.

UNITS
P - POUNDS
Y - YARDS
M³ - CUBIC METERS
Y³ - CUBIC YARDS
O - OTHER

GARY E. SEVERSON
Generator Authorized Agent Name

GARY E. SEVERSON
Signature

091099
Shipment Date

Section II

TRANSPORTER (Generator complete a-d; Transporter II complete e-g)

TRANSPORTER I

TRANSPORTER II

a. Name: BFI b. Name: _____
c. Address: 9813-FLYING CLOUD DR d. Address: _____
e. Eden Prairie, MN 55347
f. Driver Name/Title: Bin Martolitz g. Driver Name/Title: _____
h. Phone No.: _____ i. Phone No.: _____
j. Phone No.: _____ k. Phone No.: _____
l. Vehicle License No./State: YM 93920 m. Vehicle License No./State: _____
n. Acknowledgement of Receipt of Materials. o. Acknowledgement of Receipt of Materials.

g. Bin Martolitz 91399

h. 91399

Section III

DESTINATION (Generator completes a-d; destination site completes e-f)

a. Site Name: Pine Bend Landfill, Inc. c. Phone No.: 612-457-2778
b. Physical Address: 2495 E. 117th St. d. Mailing Address: 2495 E. 117th St.
Inver Grove Heights, MN 55077 Inver Grove Heights, MN 55077

e. Discrepancy Indication Space: _____

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent: For M. Zell g. Signature: 91399

Section IV

ASBESTOS (Generator complete a-d; i, g. Shipper* completes e.)

a. Shipper's* Name: _____ b. Shipper's* Phone No.: _____
c. Shipper's* Address: _____
d. Shipper's Special Handling Instructions and additional information: _____

CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

e. Shipper's* Name & Title: _____ f. Name and Address: _____
g. Shipper's* Signature: _____
h. Date: _____

i. Name and Address of Responsible Agency: _____

j. ☐ Friable; ☐ Non-friable; ☐ Both ☐ % friable ☐ % nonfriable

* Shipper refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

REORDER ONLY THROUGH BFI / STANDARD REGISTER CONTRACT

DESTINATION RETAIN

260-7208 1/98



NON-HAZARDOUS SPECIAL WASTE & ASBESTOS MANIFEST

If waste is asbestos waste, complete Sections I, II, III and IV.
If waste is NOT asbestos waste, complete only Sections I, II and III.

No. 377334

Section I GENERATOR (Generator completes all of Section I)

Generator Name: Interplastic Corp. b. Generating Location: Spme

c. Address: 2015 Broadway NE d. Address: _____

Mpls, Mn 55413

e. Phone No.: 651-481-6860 f. Phone No.: _____

g. Owner of the generating facility differs from the generator, provide:

h. Owner's Name: _____ Owner's Phone No.: _____

i. BFI WASTE CODE

MN 3 4 9 9 6 0 5 2 2

j. Description of Waste: Gelled Unstabilized

Polyester Resin, FILTER MEDIA

GENERATOR'S CERTIFICATION: I hereby certify that the above named material is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations, AND, if the waste is a treatment residue of a previously restricted hazardous waste subject to the Land Disposal Regulations, I certify and warrant that the waste has been treated in accordance with the requirements of 40 CFR Part 266 and is no longer a hazardous waste as defined by 40 CFR Part 261.

Gary E. Severson Gary E. Severson

Generator's Authorized Agent Name Signature

11 04 99

Shipment Date

Section II TRANSPORTER (Generator complete a-d; Transporter I complete e-g; Transporter II complete h-n)

TRANSPORTER I

a. Name: BFI

b. Address: Edna Prairie

c. Driver Name/Title: Kenneth Whetstone

d. Phone No.: _____ e. Truck No.: 465

f. Vehicle License No./State: YM 97780 MN

Acknowledgement of Receipt of Materials.

Keith Whetstone 11 04 99

Driver Signature

Shipment Date

Section III

DESTINATION (Generator completes a-d, destination site completes e-f.)

a. Site Name: PINE BEND LANDFILL, INC.

b. Physical Address: 2495 E. 117TH ST.

INVER GROVE HEIGHTS, MN 55077

c. Phone No.: 612-457-2778

d. Mailing Address: SAME

e. Discrepancy Indication Space: _____

I hereby certify that the above named material has been accepted and to the best of my knowledge the foregoing is true and accurate.

f. Name of Authorized Agent

Edna Prairie 11 04 99

Signature

Receipt Date

Section IV

ASBESTOS (Generator complete a-d, f, g. Operator* completes e.)

a. Operator's* Name: _____

b. Operator's* Address: _____

b. Operator's* Phone No.: _____

c. Special Handling Instructions and additional information: _____

OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

e. Operator's* Name & Title: _____

Print/Type

Operator's Signature

Date

f. Name and Address

of Responsible Agency: _____

g. ☐ F-liable; ☐ Non-liable; ☐ Both _____ % friable _____ % nonfriable

* Operator refers to the company which owns, leases, operates, controls, or supervises the facility being demolished or renovated, or the demolition or renovation operation, or both.

REORDER ONLY THROUGH BFI / UARCO CONTRACT

DESTINATION RETAIN

3 Current Permit
(with all amendments)

AIR EMISSION FACILITY
PERMIT NO. 1176-86-OT-1
FOR A
RESIN MANUFACTURING PLANT
AND
AIR POLLUTION CONTROL EQUIPMENT


According to Minnesota Statutes Chapters 115 and 116 and
Minnesota Rules Chapter 7001

INTERPLASTIC CORPORATION
2015 N.E. Broadway
Minneapolis, Minnesota 55413

(hereinafter Permittee) is issued an Air Emission Facility Permit
by the Minnesota Pollution Control Agency (hereinafter Agency)
for its facility located at 2015 N.E. Broadway, Minneapolis,
Hennepin County, Minnesota. The permit authorizes operation of
the emission facility and air pollution control equipment under
the conditions set forth herein.

This permit is effective for a term of 5 years starting on the
date issued by the Director.

DATED: November 24, 1986



J. Michael Valentine
Director
Division of Air Quality

for Thomas J. Kalitowski
Executive Director
Minnesota Pollution Control Agency

FACILITY DESCRIPTION

I. Overview

This plant produces unsaturated polyester and vinyl ester resins. The principal products are polycondensation products of polyhydric alcohols and dibasic acids and their anhydrides, e.g., propylene glycol, phthalic anhydride, maleic anhydride, and isophthalic acid.

Products of transesterification reactions polyethylene terephthalic and DBE-2 (dimethyl glutarate/diethyl adipate), are also made. The vinyl esters are addition reactions of high molecular weight epoxy resins of bisphenol A and acrylic acids.

All of the above reactions are carried out in batch processes, and in most cases the polymers are dissolved in styrene or other vinyl unsaturated monomers in water-cooled thin tanks.

II. Emission Sources and Pollution Control Equipment

The emission sources and associated process equipment, air pollution control equipment and monitoring equipment at the emission facility described above include the following:

Source No. 1, Control Equipment

First Stage Scrubber: Standby
Second Stage Scrubber: Standby
Activated Carbon Absorber: Standby

Source Nos. 1, 2, 3, 4 & 5 Control Equipment

Type: Thermal Oxidizer
Mfr.: Hirt Combustion Engineering
Model: HFE-20MX

Burner Chamber Volume: 465 ft³
Combustion Chamber Volume: 1584 ft³
Burner Capacity: 33 million Btu/hr
Rated Capacity: 20,000 scfm
Guaranteed Efficiency: 99%

Source Parameters No. 1, 2, 3, 4 & 5 Stack

Height: 21'-8"
Exit Diameter: 3'-6"
Flow Rate, acfm: 75,000 @ 800°F

Amend. #1
[at 9A]

III. Definitions & Abbreviations

Definition of terms and abbreviations used in this permit may be found in Minn. Rules parts 7005.0100 and 7005.0110 respectively.

SPECIAL CONDITIONS

The Permittee shall comply with the following special conditions in order to attain, maintain and demonstrate compliance with applicable Minnesota and federal statutes and rules.

I. Ambient Standards

The Permittee shall comply with Minn. Rules parts 7005.0010-7005.0080, State Ambient Air Quality Standards, and with National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50.

II. Emission Limits

The Permittee shall not discharge into the atmosphere pollutants in excess of the limits listed below:

II.A. Particulates

1. Particulate Matter - N/A
2. Opacity - N/A

II.B. SO₂ - N/A

II.C. NO_x - N/A

II.D. Hydrocarbons - N/A

II.E. Carbon Monoxide - N/A

II.F. Lead - N/A

II.G. Noise

The Permittee shall comply with the noise standards set forth in Minn. Rules parts 7010.0400 to 7010.0700 at all times during the operation of the facility.

II.H. Odor

The Permittee shall not discharge into the atmosphere from any source or combination of sources within the facility any gases which contain odors in excess of the amount allowed by Minn. Rules part 7005.0920.

III.B. Operation and Maintenance Plan

The Permittee shall submit an operation and maintenance plan which assures that the effluent from the activated carbon adsorber is in compliance with the odor limits cited in II.E. The Permittee shall submit the plan by December 15, 1986.

III.B.1. The Permittee shall submit an operation and maintenance plan which assures that the thermal oxidizer operates at 95% efficiency and is in compliance with the odor limits cited in II.E. The Permittee shall submit the plan by January 13, 1989.

III.B.1. The Permittee shall comply with all conditions as contained in the Operation and Maintenance Plan for the Hirt Thermal Oxidizer dated December 11, 1989. The Operation and Maintenance Plan shall be an enforceable part of this permit. The Permittee shall submit changes to the Operation and Maintenance Plan to the Division Chief within 30 days of making such change.

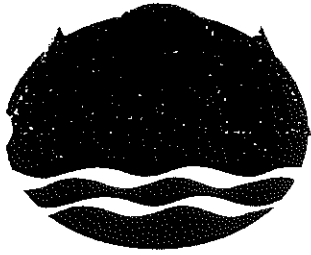
III.C. Thermal Oxidizer Operation Parameters

1. The Permittee shall maintain a minimum combustion temperature of 1400°F and a 1 second retention time during operation of the thermal oxidizer.
2. The Permittee shall maintain an operational log for the thermal oxidizer which will include:
 - a. Hourly combustion temperature
 - b. Thermal oxidizer downtime and standby pollution control equipment operation.

IV. Compliance Demonstration

The Permittee shall demonstrate compliance with applicable permit conditions, Minnesota and Federal statutes and rules by the following methods, and in accordance with the applicable exhibits:

| <u>Source Nos.</u> | <u>Compliance Determination Method</u> | <u>Pollutant</u> | <u>Frequency</u> | <u>Special Condition and/or Exhibit</u> |
|----------------------|--|------------------|---|---|
| 1-5 Thermal Oxidizer | Performance Test | odor | within 60 days of Thermal Oxidizer installation | Minn. Rules part 7005.0920 |
| 1-5 Thermal Oxidizer | Performance Test | VOCs | within 60 days of Thermal Oxidizer installation | Special Condition Part III.B.1. |



Minnesota Pollution Control Agency

July 6, 1993

Mr. Robert C. Hoffman
Chief Environmental Officer
Interplastic Corporation
1225 Wolters Boulevard
Vadnais Heights, Minnesota 55110-5145

Dear Mr. Hoffman:

RE: Submittal Of Temperature Records For Thermal Oxidizer

Pt. III.A.3. of Amendment No. 3 to Air Emission Facility Permit No. 1176-86-OT-2 (Permit) states:

III.A.3. The Permittee shall submit, quarterly, records of temperature as recorded by the computer for the Hirt Incinerator (Thermal Oxidizer). The Division Chief may terminate this requirement at anytime if it is determined not to be necessary.

Interplastic Corporation (Company) is hereby not required to submit temperature records for the thermal oxidizer. Under Amendment No. 1 to the Permit, the Company is still required to maintain these records and have them available for Minnesota Pollution Control Agency (MPCA) staff review.

This decision is based on the following:

- 1) The Company is currently required to notify the MPCA of all breakdown periods regardless of duration;
- 2) Examination of previous thermal oxidizer temperature records does not reveal any unreported breakdowns.

Should you have any questions, please contact James McCann, of my staff, at (612)296-7955.

Sincerely,

[Signature]
Lisa J. Thorvig
Division Manager
Air Quality Division

LJT/JMC:jfh

cc: Steve Giddings, AQD
Amrill Okonkwo, AQD
James McCann, AQD
AQD File No. 1176

1.0 SPECIAL CONDITIONS

1.1 Written Notification of Initial Startup and Complete Installation

Within 30 days of the complete installation of the equipment authorized by this permit, the Permittee shall submit a written notification of such to the Division Manager.

1.2 Operations and Maintenance Plan

Within 30 days after the adjustment period is completed, but not to exceed 180 days of initial connection of thermal oxidizer and pilot plant authorized by this permit, the Permittee shall submit a complete and accurate operations and maintenance plan (OMP) to the Division Manager. The OMP must set out maintenance and recordkeeping procedures that will ensure that the connection of the pilot plant and thermal oxidizer will operate at the efficiencies or other standards described in the permit application. Upon receipt, the OMP is an enforceable part of this permit.

1.3 Total Facility Permit

This permit shall be superseded by a total facility permit, when issued.

2.0 GENERAL CONDITIONS

The Permittee shall comply with the General Conditions set forth in Minn. Rules pt. 7001.0150, subp. 3 (1991).

jmb

DATE TIME

HIRT DOWNTIME LOG

STATUS

11/24/1999 10:05:12

| | | |
|-----------------|--------------|----------|
| DOWN ON | 1/ 5/1999 AT | 7:57:17 |
| UP ON | 1/ 5/1999 AT | 8:29:47 |
| TOTAL DOWN TIME | | 0:13:30 |
| DOWN ON | 1/10/1999 AT | 19:35:34 |
| UP ON | 1/10/1999 AT | 20:31:48 |
| TOTAL DOWN TIME | | 0:57:14 |
| DOWN ON | 1/11/1999 AT | 21:11:49 |
| UP ON | 1/11/1999 AT | 21:54:37 |
| TOTAL DOWN TIME | | 0:43:48 |
| DOWN ON | 1/14/1999 AT | 4: 7:17 |
| UP ON | 1/14/1999 AT | 4:13:41 |
| TOTAL DOWN TIME | | 0: 7:24 |
| DOWN ON | 1/19/1999 AT | 20:48: 4 |
| UP ON | 1/19/1999 AT | 20:52:35 |
| TOTAL DOWN TIME | | 0: 7:31 |
| DOWN ON | 2/ 3/1999 AT | 13:18:12 |
| UP ON | 2/ 3/1999 AT | 13:27:54 |
| TOTAL DOWN TIME | | 0:10:42 |
| DOWN ON | 3/ 9/1999 AT | 22:47:49 |
| UP ON | 3/ 9/1999 AT | 23: 4:43 |
| TOTAL DOWN TIME | | 0:17:54 |
| DOWN ON | 3/24/1999 AT | 22:48:35 |
| DOWN ON | 3/29/1999 AT | 0:52: 8 |
| UP ON | 3/29/1999 AT | 0:57: 2 |
| TOTAL DOWN TIME | | 0: 5:54 |
| DOWN ON | 4/10/1999 AT | 3:24:25 |
| UP ON | 4/10/1999 AT | 3:56: 2 |
| TOTAL DOWN TIME | | 0:32:37 |
| DOWN ON | 4/27/1999 AT | 22:20: 4 |
| UP ON | 4/29/1999 AT | 1:19: 9 |
| TOTAL DOWN TIME | | 26: 0: 5 |
| DOWN ON | 4/29/1999 AT | 1:21:15 |
| UP ON | 4/29/1999 AT | 1:22:21 |
| TOTAL DOWN TIME | | 0: 2: 6 |
| DOWN ON | 4/29/1999 AT | 1:29:46 |
| UP ON | 4/29/1999 AT | 1:30: 4 |
| TOTAL DOWN TIME | | 0: 1:18 |
| DOWN ON | 4/29/1999 AT | 1:39:52 |
| UP ON | 4/29/1999 AT | 1:39:58 |
| TOTAL DOWN TIME | | 0: 1: 6 |
| DOWN ON | 5/ 6/1999 AT | 11:30:16 |
| UP ON | 5/ 6/1999 AT | 11:49:40 |
| TOTAL DOWN TIME | | 0:20:24 |
| DOWN ON | 5/11/1999 AT | 1: 1:34 |
| UP ON | 5/11/1999 AT | 1:22:52 |
| TOTAL DOWN TIME | | 0:22:18 |
| DOWN ON | 5/11/1999 AT | 3: 3:42 |
| UP ON | 5/11/1999 AT | 4:11:48 |
| TOTAL DOWN TIME | | 1: 9: 6 |
| DOWN ON | 5/12/1999 AT | 8:44:41 |
| UP ON | 5/12/1999 AT | 8:53:41 |
| TOTAL DOWN TIME | | 0:10: 0 |
| DOWN ON | 5/19/1999 AT | 16:47:16 |
| UP ON | 5/19/1999 AT | 18:27:25 |
| TOTAL DOWN TIME | | 1:41: 9 |
| DOWN ON | 5/31/1999 AT | 5:43: 7 |
| UP ON | 5/31/1999 AT | 7: 1:18 |
| TOTAL DOWN TIME | | 1:18: 1 |

DATE TIME HIRT DOWNTIME LOG STATUS

11/24/1999 10:05:12

| | | | |
|----------------|-----------|----|----------|
| DOWN ON | 1/5/1999 | AT | 7:57:17 |
| UP ON | 1/5/1999 | AT | 8:21:47 |
| TOTAL DOWNTIME | 0:13:30 | | |
| DOWN ON | 1/10/1999 | AT | 19:35:34 |
| UP ON | 1/10/1999 | AT | 20:31:48 |
| TOTAL DOWNTIME | 0:57:14 | | |
| DOWN ON | 1/11/1999 | AT | 2:11:49 |
| UP ON | 1/11/1999 | AT | 2:54:27 |
| TOTAL DOWNTIME | 0:43:48 | | |
| DOWN ON | 1/14/1999 | AT | 4: 7:17 |
| UP ON | 1/14/1999 | AT | 4:13:41 |
| TOTAL DOWNTIME | 0: 7:24 | | |
| DOWN ON | 1/19/1999 | AT | 20:49:14 |
| UP ON | 1/19/1999 | AT | 20:55:35 |
| TOTAL DOWNTIME | 0: 6:21 | | |
| DOWN ON | 2/ 3/1999 | AT | 13:18:12 |
| UP ON | 2/ 3/1999 | AT | 13:27:54 |
| TOTAL DOWNTIME | 0: 9:42 | | |
| DOWN ON | 3/ 9/1999 | AT | 22:47:49 |
| UP ON | 3/ 9/1999 | AT | 23: 4:43 |
| TOTAL DOWNTIME | 0:17:54 | | |
| DOWN ON | 3/24/1999 | AT | 22:48:35 |
| UP ON | 3/29/1999 | AT | 0:52:18 |
| TOTAL DOWNTIME | 0:57: 2 | | |
| DOWN ON | 4/10/1999 | AT | 3:24:25 |
| UP ON | 4/10/1999 | AT | 3:56: 2 |
| TOTAL DOWNTIME | 0:32:13 | | |
| DOWN ON | 4/27/1999 | AT | 22:20: 4 |
| UP ON | 4/29/1999 | AT | 11:19: 9 |
| TOTAL DOWNTIME | 26: 0: 5 | | |
| DOWN ON | 4/29/1999 | AT | 11:21:15 |
| UP ON | 4/29/1999 | AT | 1:22:21 |
| TOTAL DOWNTIME | 0: 2: 6 | | |
| DOWN ON | 4/29/1999 | AT | 1:29:46 |
| UP ON | 4/29/1999 | AT | 1:30: 4 |
| TOTAL DOWNTIME | 0: 1:18 | | |
| DOWN ON | 4/29/1999 | AT | 1:39:52 |
| UP ON | 4/29/1999 | AT | 1:39:52 |
| TOTAL DOWNTIME | 0: 1: 6 | | |
| DOWN ON | 5/ 6/1999 | AT | 11:30:16 |
| UP ON | 5/ 6/1999 | AT | 11:49:40 |
| TOTAL DOWNTIME | 0:20:24 | | |
| DOWN ON | 5/11/1999 | AT | 1: 1:34 |
| UP ON | 5/11/1999 | AT | 1:22:52 |
| TOTAL DOWNTIME | 0:22:18 | | |
| DOWN ON | 5/11/1999 | AT | 3: 3:42 |
| UP ON | 5/11/1999 | AT | 4:11:48 |
| TOTAL DOWNTIME | 1: 9: 6 | | |
| DOWN ON | 5/12/1999 | AT | 8:44:41 |
| UP ON | 5/12/1999 | AT | 8:53:41 |
| TOTAL DOWNTIME | 0:10: 0 | | |
| DOWN ON | 5/19/1999 | AT | 16:47:16 |
| UP ON | 5/19/1999 | AT | 18:27:25 |
| TOTAL DOWNTIME | 1:41: 9 | | |
| DOWN ON | 5/31/1999 | AT | 5:43: 7 |
| UP ON | 5/31/1999 | AT | 7: 1:18 |
| TOTAL DOWNTIME | 1:18: 1 | | |

| TOTAL DOWN TIME | | 01:13:36 |
|-----------------|-----|----------|
| 1 | 2 | 3 |
| 4 | 5 | 6 |
| 7 | 8 | 9 |
| 10 | 11 | 12 |
| 13 | 14 | 15 |
| 16 | 17 | 18 |
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| 55 | 56 | 57 |
| 58 | 59 | 60 |
| 61 | 62 | 63 |
| 64 | 65 | 66 |
| 67 | 68 | 69 |
| 70 | 71 | 72 |
| 73 | 74 | 75 |
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| 88 | 89 | 90 |
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| 94 | 95 | 96 |
| 97 | 98 | 99 |
| 100 | 101 | 102 |

DATE TIME

HIRT DOWNTIME LOG

STATUS

11/24/1999

10:05:12

| | | |
|-----------------|------------|-------------|
| DOWN CN | 9/23/1999 | AT 14:48:13 |
| UP CN | 9/23/1999 | AT 14:48:17 |
| TOTAL DOWN TIME | 0: 5:54 | |
| DOWN CN | 9/27/1999 | AT 0:36:12 |
| UP CN | 9/27/1999 | AT 0:45:18 |
| TOTAL DOWN TIME | 0:10:16 | |
| DOWN CN | 11/ 4/1999 | AT 6:56:13 |
| UP CN | 11/ 4/1999 | AT 7: 4:17 |
| TOTAL DOWN TIME | 0: 8:54 | |
| DOWN CN | 11/ 6/1999 | AT 20: 6:25 |
| UP CN | 11/ 6/1999 | AT 20: 7:49 |
| TOTAL DOWN TIME | 0: 2:24 | |
| DOWN CN | 11/10/1999 | AT 16: 2:20 |
| UP CN | 11/10/1999 | AT 16: 2:56 |
| TOTAL DOWN TIME | 0: 1:36 | |
| DOWN CN | 11/11/1999 | AT 1:45:51 |
| UP CN | 11/11/1999 | AT 1:57: 4 |
| TOTAL DOWN TIME | 0:12:13 | |
| DOWN CN | 11/16/1999 | AT 17:20:40 |
| UP CN | 11/16/1999 | AT 18:12:47 |
| TOTAL DOWN TIME | 0:53: 7 | |
| DOWN CN | 11/16/1999 | AT 18:14: 5 |
| UP CN | 11/16/1999 | AT 18:14:11 |
| TOTAL DOWN TIME | 0: 1: 6 | |
| DOWN CN | 11/16/1999 | AT 18:23: 6 |
| UP CN | 11/16/1999 | AT 18:23:17 |
| TOTAL DOWN TIME | 0: 1:11 | |
| DOWN CN | 11/16/1999 | AT 18:23:24 |
| UP CN | 11/16/1999 | AT 18:23:36 |
| TOTAL DOWN TIME | 0: 1:12 | |
| DOWN CN | 11/17/1999 | AT 10: 8:41 |
| UP CN | 11/17/1999 | AT 10:24:14 |
| TOTAL DOWN TIME | 0:14: 0 | |
| DOWN CN | 11/17/1999 | AT 10:21:47 |
| UP CN | 11/17/1999 | AT 10:24:41 |
| TOTAL DOWN TIME | 0: 3:54 | |
| DOWN CN | 11/17/1999 | AT 10:24:47 |
| UP CN | 11/17/1999 | AT 10:24:53 |
| TOTAL DOWN TIME | 0: 1: 6 | |
| DOWN CN | 11/17/1999 | AT 10:25:15 |
| UP CN | 11/17/1999 | AT 10:31:23 |
| TOTAL DOWN TIME | 0: 7:18 | |
| DOWN CN | 11/17/1999 | AT 10:30:53 |
| UP CN | 11/17/1999 | AT 10:32:53 |
| TOTAL DOWN TIME | 0: 2: 0 | |
| DOWN CN | 11/17/1999 | AT 10:33: 5 |
| UP CN | 11/17/1999 | AT 10:34:41 |
| TOTAL DOWN TIME | 0: 2:36 | |
| DOWN CN | 11/20/1999 | AT 4:19:37 |
| UP CN | 11/20/1999 | AT 4:26:31 |
| TOTAL DOWN TIME | 0:11:54 | |
| DOWN CN | 11/20/1999 | AT 18: 8:19 |
| UP CN | 11/20/1999 | AT 18:14: 1 |
| TOTAL DOWN TIME | 0: 6:42 | |
| DOWN CN | 11/20/1999 | AT 21:50: 1 |
| UP CN | 11/20/1999 | AT 21:55: 1 |
| TOTAL DOWN TIME | 0: 6: 7 | |

HIRT DOWNTIME LOG

DATE

11/24/1999

11:12

TIME

HIRT TEMP

STATUS

DOWN ON 11/23/1999 AT 18:21:51
 UP ON 11/23/1999 AT 18:31:34
 TOTAL DOWNTIME 01:6:43
 GRAND TOTAL DOWNTIME 46:31:16

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Minnesota Pollution Control Agency

May 6, 1999

Hennepin County
Department of Environmental Services

MAY 14 1999

Mr. Robert Hoffman
Interplastic Corporation
1225 Willow Lake Boulevard
St. Paul, Minnesota 55110-5145

Environmental Protection Division

RE: March 15, 1999, and March 16, 1999, multimedia Inspection

Dear Mr. Hoffman:

On March 15, 1999, and March 16, 1999, Minnesota Pollution Control Agency (MPCA) staff conducted a multimedia inspection of Interplastic Corporation (Company) located at 2015 Broadway Street Northeast in Minneapolis, Minnesota. MPCA inspectors included Greg Berger, Keith Cherryholmes, Dorene Fier-Tucker, Mary Hayes, Dick Kable, Rhonda Land, and Mike Nelson. MPCA were accompanied by representatives from the City of Minneapolis, Metropolitan Council Environmental Services, and Hennepin County.

Attached you will find inspection reports or letters from the above listed MPCA inspectors that document concerns and violations discovered during the inspection. The Company must immediately take steps to correct the violations and address the concerns.

Below is a table that summarizes the required corrective actions in the attachments and the timeline for each corrective action. Please review each attachment carefully for details regarding the corrective actions.

| Corrective Action | Timeline |
|---|--|
| Submit a report documenting the cleanup of the two spills observed on March 15 th and March 16 th , 1999. | As requested in MPCA's letter dated April 1, 1999. |
| Update the Company's Prevention and Response Plan. | due date of April 30, 1999. |
| Log scrubber operation time and have records available for inspection. | Immediately. |
| Configure scrubber to automatically add sufficient water to the system and automatically activate when the thermal oxidizer is not operating. | Immediately. |
| Submit a completed permit application form for a individual storm water permit and noncontact cooling water. | Within 14 days of receipt of this letter. |
| Submit a completed Aboveground Storage Tank Registration Form for tanks required to be registered. | Within 14 days of receipt of this letter. |
| Submit an official Land Disposal Restrictions (LDR) notification/certification for the semi-gelled polyester resin. | Within 30 days of receipt of this letter. |
| Submit a written response describing steps taken to address the three violations and two inspection issues documented in the hazardous waste inspection letter. | Within 30 days of receipt of this letter. |

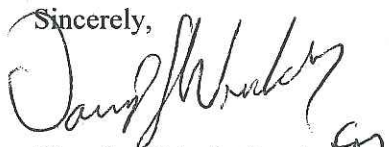
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|--|--|
| Submit construction plans for secondary containment areas of the propylene glycol tank and resin blend tank. | Within 30 days of receipt of this letter. |
| Submit in writing Interplastic plan to improve response preparedness. | Within 30 days of receipt of this letter. |
| Submit a letter with calculations verifying a permit amendment was not required prior to installation of CE02. | Within 45 days of receipt of this letter. |
| Submit a plan for implementation of preventative measures in the following areas: loading/unloading racks, unloading pipe to the malaic anhydride tank, hose storage rack, small AST petroleum tank, drums of acetone, outdoor tote tank that receives "line clears" and any drums of hazardous substances or oil stored in the yard | Within 60 days of receipt of this letter. |
| Construct secondary containment for the propylene glycol tank and resin blend tank. | Within 120 days of receipt of this letter. |

MPCA staff may conduct a follow-up inspection to verify that all corrective actions have been completed and the facility has returned to compliance. If the noncompliance is not corrected prior to the follow-up inspection, escalated enforcement action may be initiated.

Be advised that this letter does not limit or prevent the MPCA from taking further enforcement action. If you believe the findings of this inspection are incorrect, please respond in writing within five days from receiving this letter and explain why you believe they are incorrect.

If you have any questions concerning the inspection or the necessary corrective actions, please contact me at (651) 297-7707.

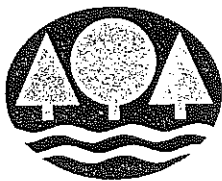
Sincerely,



Rhonda Michelle Land
Pollution Control Specialist
Metro District Office
Major Facilities Section

RML:lao

cc: **Darwin Schultz, Hennepin County**
Roger VanTassel, City of Minneapolis
Robert Norquist, MCES
Keith Cherryholmes, MD/CAP
Dorene Fier-Tucker, MD/SR
Richard Kable, MD/SR
Mike Nelson, MD/MF
Greg Berger, MD/MF
Mary Hayes, MD/MF



Minnesota Pollution Control Agency

August 12, 1999

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. James Wallenselsz, President
Interplastic Corporation
1225 Willow Lake Boulevard
St. Paul, Minnesota 55110-5145

and

Mr. Robert Hoffman, Director HSEQ
Interplastic Corporation
1225 Willow Lake Boulevard
St. Paul, Minnesota 55110-5145

RE: Notice of Violation

Dear Messrs. Wallenselsz and Hoffman:

Enclosed is a Notice of Violation (NOV) issued by the Minnesota Pollution Control Agency (MPCA) to Interplastic Corporation (Company) for violations discovered during a multimedia inspection and other inspections conducted on March 15, 16, 30, and April 26, 1999, at Interplastic Corporation, 2015 Northeast Broadway, Minneapolis, Minnesota. The NOV is not an administrative order but rather is intended to formally notify the Company of the alleged violations and to specify the requirements for correcting them.

The NOV is divided into two parts. The first part, entitled "Alleged Violations and Descriptions," cites the statute and rules which the MPCA alleges the Company violated and a narrative description, as understood by the MPCA, of the facts which support the MPCA's conclusion that the Company violated the cited statutes and rules. The second section, entitled "Requirements," contains corrective actions to help the Company achieve compliance and avoid future violations.

Please note that the Company must submit to the MPCA within thirty (30) days of receipt of this NOV, its response to the "Requirements" section of this NOV.

Mr. James Wallenselsz and Mr. Robert Hoffman

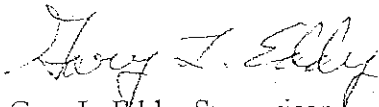
Page 2

Given the serious nature of some of the violations cited in the NOV, the MPCA will request that the Company enter into a Stipulation agreement with the MPCA. A draft Stipulation Agreement will be sent to the Company shortly. Within ten (10) day of receipt of the draft Stipulation Agreement the Company and/or its legal counsel are requested to contact the MPCA to schedule a meeting with MPCA staff to begin negotiation of the draft Stipulation Agreement. At this meeting, the Company will be expected to present refuting evidence, comments, and proposed revisions to any part of the draft Stipulation Agreement it believes to be inaccurate or incomplete.

MPCA has received the Company's letter dated July 20, 1999, in response to the MPCA's letter dated May 6, 1999. Many of the corrective actions requested in the May 6, 1999, letter have not been completed. Your failure to complete those corrective actions will be considered by the MPCA in the enforcement action taken against the Company.

If you have any questions concerning this NOV, please contact Mr. Roger Fisher, Government and Utilities Sector, Regular Facilities Section, Metro District at (651) 297-8570.

Sincerely,



Gary L. Eddy, Supervisor
Government & Utilities Sector
Regular Facilities Section
Metro District

GLE:mmm

Enclosure

cc: Ann Cohen, Assistant Attorney General
Rick Cool, Assistant Attorney General
Kris Hulsebus, Assistant Attorney General
Ivan Levy, Legal Counsel for Interplastic Corporation

**STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY
Metro District**

In the matter of Alleged Violations by
Interplastic Corporation at
2015 Broadway Street Northeast
Minneapolis, Minnesota 55413-1775

NOTICE OF VIOLATION

TO: Mr. James Wallenselsz, President
Interplastic Corporation
1225 Willow Lake Boulevard
St. Paul, Minnesota 55110-5145

and

Mr. Robert Hoffman, Director HSEQ
Interplastic Corporation
1225 Willow Lake Boulevard
St. Paul, Minnesota 55110-5145

ALLEGED VIOLATIONS AND DESCRIPTIONS

PLEASE BE ADVISED, that the Minnesota Pollution Control Agency (MPCA) has sufficient information to indicate that Interplastic Corporation (Company) has violated the following statutes, rules, or permit conditions at its facility located at 2015 Broadway Street Northeast, Minneapolis, Minnesota (Facility).

1. Minn. Stat. § 115.07, subd. 1. [VIOLATIONS AND PROHIBITIONS, Obtain Permit.]

which states, in part, "It shall be unlawful for any person to construct, install, or operate a disposal system, or any part thereof, until plans therefor shall have been submitted to the agency unless the agency shall have waived the submission thereof to it and a written permit therefor shall have been granted by the agency;..."

The Company has been discharging a process wastewater stream without a permit.

2. Minn. R. 7001.0030, [PERMIT REQUIRED.]

which states, in part, "No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity."

During the MPCA multi-media inspection conducted on March 16, 1999, MPCA inspectors observed a wastewater discharge. MPCA staff returned to facility on April 19, 1999, and discussed the discharge with Company representatives and learned that the wastewater originated from a process vessel that is cooled with non-contact cooling water. As the water cools the vessel, the water flashes and discharges approximately 3,000 gallons, typically once per day. Therefore, the Company has been discharging a process wastewater stream without a permit.

3. **Minn. R. 7050.0210, subp.2. [GENERAL STANDARDS FOR DISCHARGES TO WATERS OF THE STATE, Nuisance conditions prohibited.]**

which states, in part, "No industrial waste, or any other wastes shall be discharged from either point or nonpoint sources into any waters of the state so as to cause nuisance conditions such as ... the presence of visible oil film, ...obnoxious odors, ...or, otherwise offensive or harmful effects."

National Pollution Discharge Elimination System (NPDES)/ State Disposal System (SDS) Permit No. MN G611000, Part III.B., [Prohibitions]

which states, "All discharges of storm water associated with industrial activity shall be composed entirely of storm water. Discharges of any material other than storm water are prohibited unless authorized under a separate NPDES permit."

NPDES/SDS Permit No. MN G611, Part III.B.3., [Prohibitions]

which states, "This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill."

Based upon samples taken by MPCA staff on February 22, 1999, from the storm sewer on Cleveland Street, it is alleged that the Company has discharged storm water with levels of styrene and ethylbenzene sufficient to cause the presence of visible oil films and noxious odors.

4. **Minn. Stat. § 116.48 subd.1. (a) and (b) [NOTIFICATION REQUIRMENTS; Tank status.]**

which states, in part, "An owner of an underground storage tank must notify the agency by June 1, 1986... of the tank's existence...."

Based on records maintained by the MPCA the Company failed to register tanks 001, 002, 003, 005, 006, 007, 008, 011, 012, and 018 by June 1, 1986. The tanks were registered July 8, 1986 except for tank 012, which was registered September 8, 1988.

And which also states, in part, "An owner of an aboveground storage tank must notify the agency by June 1, 1990 ... of the tank's existence...."

The Company also failed to register two regulated aboveground storage tanks, 1004 and 1005, by July 1, 1990.

5. **Minn. R. 7150.0320 B. (1) (c); B.(4) [REQUIREMENTS FOR HAZARDOUS MATERIAL UNDERGROUND STORAGE TANK SYSTEMS.]**

which states, in part, "Release detection at new hazardous material underground storage tank systems must [be equipped with] secondary containment...[and the interstice must] be checked for evidence of a release at least every 30 days."

The Company failed to conduct interstitial monitoring leak detection for the tank [B.(1)(c)] or underground piping [B.(4)] for tank systems 029, 031, 033, 034, and 036.

6. **Minn. R. 7150.0320 A. [REQUIREMENTS FOR HAZARDOUS MATERIAL UNDERGROUND STORAGE TANK SYSTEMS.]**

which states, in part, "Release detection at existing hazardous material underground storage tank systems must meet the requirements for petroleum underground storage tank systems in part 7150.0310..." which, in turn, states in part, "...tank systems may use monthly inventory controls...and annual tank tightness testing.... Underground piping that routinely contains regulated substances must...have an annual line tightness test."

The Company failed to use an approved method of leak detection as prescribed in Minn. R. 7150.0320 for tanks 001, 003, 004, 008, 009, 010, and 011 during 1997 and prior to December 22, 1998.

and which also states, in part, "By December 22, 1998, all existing hazardous material underground storage tank systems must [be equipped with]...secondary containment [which is] ...checked for a release at least every 30 days."

The Company failed to conduct an appropriate method of leak detection for tanks 009 and 010 after December 22, 1998. Analysis of samples taken from tanks 009 and 010 on March 16, 1999, indicated the stored product to be a hazardous substance that was present in quantities of more than one inch depth in each tank.

7. **Minn. R. 7150.0100 subp. 4. B. [PERFORMANCE STANDARDS FOR NEW UNDERGROUND STORAGE TANK SYSTEMS; Piping.]**

which states, in part, "The piping that routinely contains regulated substances and is in contact with the ground must be...protected from corrosion...."

The Company failed to provide corrosion protection for the piping that is in contact with the ground for tank systems 029, 031, 033, 034, and 036.

8. **Minn. R. 7150.0420 [ASSESSING THE SITE AT CLOSURE OR CHANGE IN SERVICE.]**

which states, in part, "When ... making a change in service to storage of a nonregulated substance, owners and operators must measure through laboratory analysis for the presence of a release where contamination is most likely to be present...."

The Company failed to conduct a site assessment as part of making a change in service to the storage of nonregulated substances for tank systems 001, 003, 004, 008, 009, 010, and 011.

9. **Minn. Stat. § 115.061 Duty to Notify and Avoid Water Pollution**

which states, in part, "...the responsible party shall recover as rapidly and thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby."

The Company failed to recover and immediately take such other actions to minimize or abate the polyester resin spill on February 16, 1999, and the roof spill observed on March 15 and 16, 1999. On February 16, 1999, polyester resin was spilled and the material entered the storm sewer. It was not until March 1, 1999, 14 days later, that the storm sewer was cleaned out.

On March 15, 1999, a spill was visible on the roof of the Facility. The spill was brought to the Company's attention on the same day and again on March 16, 1999. Cleanup action was requested by MPCA staff to begin immediately. Griggs Contracting was hired by the Company to begin cleanup actions on March 18, 1999, three days after the initial MPCA staff observation and instruction to the Company.

10. **Minn. Stat. § 115E.02 DUTY TO PREVENT**

which states, "A person who owns or operates a vessel or facility transporting, storing, or otherwise handling hazardous substances or oil or who is otherwise in control of hazardous substances or oil shall take reasonable steps to prevent the discharge of those materials in a place or manner that might cause pollution of the land, waters, or air of the state or that might threaten the public's safety or health."

The Company failed to take reasonable steps to prevent spillage from the tote tank that captures "line clears". This tank was located outside the process building and caused the February 16, 1999, release of polyester resin.

11. Minn. Stat. § 116.48 subd. 3. [NOTIFICATION REQUIREMENTS; Change in Status.]

which states, in part, "An owner must notify the agency within 30 days of a permanent removal from service ... of an ... aboveground storage tank."

The Company failed to notify the MPCA of the change in status (removal) of tank 1005 within thirty (30) days of completion of removal.

12. Minn. R. 7151.6400 subp. 1. A. [SECONDARY CONTAINMENT; Requirement].

which states, "Secondary containment areas for existing aboveground storage tanks must have a continuous dike surrounding the tanks that will prevent releases from contaminating surface waters."

The Company failed to provide adequate secondary containment (continuous dike) for tank 1004. The dike was not continuous around tank 1004 and would not provide containment.

13. Minn. R. 7045.0265 subp. 4.A. [USE OF MANIFEST; Out-of-state shipments.]

which states, "When a shipment of hazardous waste is to be delivered to a hazardous waste facility located outside the state of Minnesota, the generator must ensure that: A. the copy of the hazardous waste manifest signed by the facility operator is sent to the commissioner within 40 days of the acceptance of the hazardous waste by the hazardous waste facility...."

The Company failed to ensure the MPCA commissioner received facility-signed manifest copies for seven out-of-state hazardous waste shipments made to a facility located outside Minnesota in 1998.

14. Minn. R. 7045.0292 subp. 1, Item B. [ACCUMULATION OF HAZARDOUS WASTE; Large quantity generator] which references Minn. R. 7045.0626 subp. 4. (a) [USE AND MANAGEMENT OF CONTAINERS; Labeling] and Minn. R. 7045.0292 subp. 1, Item C.

which states, in part, "[hazardous waste must be placed in] containers [which] are clearly labeled ..., [and] which must be visible for inspection ..."

On March 15, 1999, MPCA staff observed and documented that the Company failed to ensure that the labels on three hazardous waste drums that were stored in the main storage area were clearly visible for inspection.

15. Minn. R. 7045.0292 subp. 1, Item G which references Minn. R. 7045.0566 subp. 6 [PREPAREDNESS AND PREVENTIONS; Required aisle space.]

which states, in part, "The owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment..."

The Company failed to maintain adequate aisle space for the hazardous waste drums stored in the main storage area.

REQUIREMENTS

The MPCA requests that Interplastic Corporation perform the following:

1. Submit permit application and fee for individual NPDES permit to cover both process discharge and storm water issues. Note that all chemical additives for the discharge described above must be disclosed in this application package.

Time: As stated in May 6, 1999, letter (overdue).

2. Submit documentation indicating when the tote tank that was overfilled on February 16, 1999, was equipped with a containment shed, the volume the shed will contain, and that sensor valves were installed on the "line clears" pipe to prevent flow if the valve malfunctions and does not close.

Time: Within fourteen (14) day of receipt of the NOV.

3. Submit a report documenting the cleanup of the roof and yard spills observed on March 15 and 16, 1999. This report should include the following information at a minimum: materials spilled, estimated amounts, cause of the spills, material safety data sheets for materials spilled, dates and times of the spills, detailed description of cleanup activities, dates and times of beginning and end of cleanup activities, amount of wastes generated, proposed or actual disposal destinations, all laboratory sample analysis results, and steps taken to prevent similar spills in the future and date implemented.

Time: Within fourteen (14) days of receipt of the NOV.

4. Notify the MPCA in writing on a form prescribed by the Agency of the removal of tank 1005.

Time: As stated in May 6, 1999, letter from Rhonda Land (overdue).

5. Submit to the MPCA written documentation of the Company's plan to ensure that facility-signed manifest copies for its out-of-state hazardous waste shipments are sent to the MPCA by the Company within forty (40) days of the date of acceptance of the hazardous waste at the receiving facility.

Time: As stated in May 6, 1999, letter from Greg Berger (overdue).

6. Submit written documentation to the MPCA that the Company is storing and will continue to store its hazardous waste drums so the labels are clearly visible for inspection.

Time: As stated in May 6, 1999, letter from Greg Berger (overdue).

7. Submit written documentation to the MPCA that the Company is maintaining and will continue to maintain sufficient aisle space on both sides of a row of hazardous waste drums to enable drum inspection and the unobstructed movement of decontamination and spill control equipment unless the drums are in the very front of a row, i.e., the front two drums of the first pallet.

Time: As stated in May 6, 1999, letter from Greg Berger (overdue).

8. If the Company plans to continue to store nonhazardous waste containers in its main hazardous waste storage area, it is to delete Item 2 from its Hazardous Waste Area Inspection Form to accurately reflect this. Indicate in writing to the MPCA the Company's intentions and, if applicable, that the Company will comply with this requirement.

Time: As stated in May 6, 1999, letter from Greg Berger (overdue).

9. The MPCA has determined that the Company's management plan for its semi-gelled polyester resin (Hennepin County form dated March 18, 1991) which is treated on-site in a hot-box does not meet LDR notification/certification requirements for a characteristic hazardous waste that is treated by a generator and is no longer hazardous. Submit to the MPCA an official LDR notification/certification for this waste stream that contains the following information:

- a. The name and address of the Subtitle D facility receiving the waste.
- b. The description of the waste as generated. This must include all applicable waste codes, treatability group, and underlying hazardous constituents (UHC's). If all UHC's are treated and monitored there is no requirement to list them.
- c. The certification that states that the waste has been decharacterized (is no longer hazardous) and which has been signed by an authorized representative of the Company. If any originally identified UHC's are treated on-site, the certification must state that the waste meets Universal Treatment Standards.

Time: As stated in May 6, 1999, letter (overdue).

Submit to the MPCA a performance schedule indicating the time periods by which it believes it can complete the following required corrective actions:

- a. Conduct interstitial monitoring for tank systems 029, 031, 033, 034, and 036.
- b. Install a corrosion protection system for the piping that is in contact with the ground for tank systems 029, 031, 033, 034, and 036. This system must be designed by a corrosion expert and installed in accordance with such design. Submit documentation to the MPCA that this has been done.
- c. Conduct a site assessment for tanks 001, 003, 004, 008, 009, 010, and 011. A minimum of one soil or ground water sample per tank must be taken beneath and near the center of tanks 003 and 004. A minimum of two soil or ground water samples per tank must be taken beneath each end of tanks 001, 008, 009, 010, and 011. Submit a copy of the laboratory analyses to the MPCA.
- d. Provide adequate secondary containment such as a continuous dike for tank 1004.

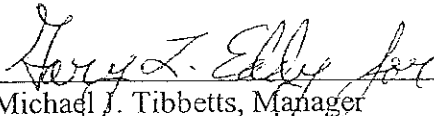
Submit all requested information to Mr. Roger Fisher, Government and Utilities Sector, Regular Facilities Section, Metro District, Minnesota Pollution Control Agency, 520 Lafayette Road North, Saint Paul, Minnesota 55155.

NOTICE

THEREFORE, you are hereby given notice that the above violations have been recorded by the MPCA. This Notice of Violation does not preclude the MPCA from taking further action with respect to the above violations.

DATED: _____

8/12/99


Michael J. Tibbetts, Manager
Regular Facilities Section
Metro District

